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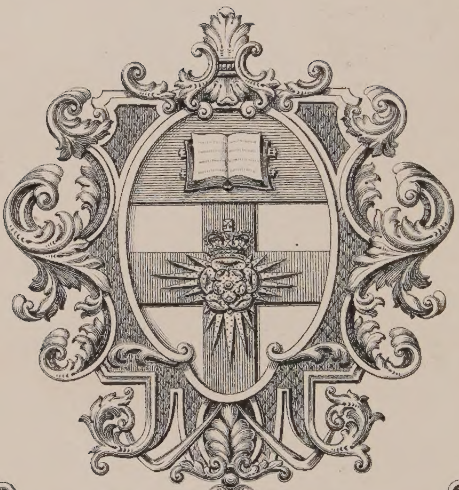

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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
" THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXV.

COMPRISING THE PERIOD FROM
THE EIGHTH DAY OF JULY, 1836.
TO
THE TWENTIETH DAY OF AUGUST, 1836.

Fifth and last Volume of the Session.

LONDON:

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1836.

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HANSARD'S
Parliamentary Debates

During the SECOND SESSION *of the* TWELFTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1836,
in the Sixth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Fifth and last Volume of the Session.

HOUSE OF LORDS,

Friday, July 8, 1836.

MINUTES.] Bills. Read a third time:—Liverpool Fire and Life Insurance.—Read a first time:—Murderers Execution.

MARRIAGES—MISTAKE IN THE BILL.] A Message from the Commons, brought up by Mr. Wilks and others, informed their Lordships, that a proviso in the 18th Clause of the Marriages' Bill, to this effect:—"Provided that at the time of such marriage each of the parties shall declare to the Superintendent Registrar, 'I do solemnly declare that I have conscientious scruples against marrying in any church or chapel, or with any religious ceremony,'" although struck out by way of amendment on the third reading, had, by mistake of the Clerk, been retained and engrossed, and appeared in the Bill as printed by order of their Lordships, and read a first time. Their Lordships were therefore requested to expunge that proviso, the same not forming part of the Bill as passed by the Commons.

The Messengers having withdrawn,

Viscount *Melbourne* quoted two precedents—the one of a message in 1797, brought up by Mr. Wilberforce, the other by Sir George Hill, in 1803, and moved, in conformity with the practice followed in those cases, that the proviso alluded to be expunged, that the Bill be reprinted, and that a message be sent to the Commons to inform them that the proviso had been struck out.

The Earl of *Shaftesbury* thought the proper way would be, as the House of Commons had sent up an incorrect Bill, to move that it be returned to them.

The motion was agreed to, and ordered accordingly, and the aforesaid proviso was ordered to be expunged, and a Message sent to the Commons to acquaint them therewith. Then the Bill was read a first time, ordered to be printed, and to be read a second time.

The Bill was then read a first time, and ordered to be read a second time on Monday next.

ADVOWSONS (IRELAND).] The Marquess of *Westmeath* moved for "a Copy of the Petition of Lay Patrons of Advowsons in Ireland to his Majesty, which was put into the hands of Lord John Russell, Secretary of State for the Home Department, in the month of June, 1835, and for any answer which his Majesty may have been advised to give thereto." By the

17th and 18th Charles 2nd, cap. 2, sec. 158, and the 2nd Anne, cap. 6., sec. 15th and 25th, Acts passed in the Parliament of Ireland, all Roman Catholics or Papists, patrons of Ecclesiastical livings in that kingdom, were deprived of the patronage and right to present to those livings, and the right of presenting was vested in the Crown as trustee, until such Papists, or their heirs, should take the oaths of allegiance, abjuration, &c., and conform to the Protestant religion, whereupon such right was to be again revested in the person so conforming and his heirs. The Crown having neglected to execute the trust by omitting from time to time to present clerks to the respective churches of the divested Papists, the Bishops should have collated thereto by lapse; but, instead of doing so, they collated to them as of their own right, and still continue to do so whenever a vacancy occurs, thereby putting the heirs of the rightful patrons, who have conformed (and who have consequently reinvested themselves with all their patrimonial rights and privileges) to the expense of the action of *quare impedit*, to obtain the actual possession of those rights—a state of things which never could have been contemplated by the Legislature when the above Acts were passed; on the contrary, the latter part of the 158th section alluded to, enacts, " That from and after such conformity, the right of presentation shall be again revested in the person so conforming, and his heirs." The subject demanded the serious consideration of his Majesty's Government; he hoped his motion would not be opposed.

Viscount *Melbourne* said, the Crown could have no knowledge of the religious opinions of those who described themselves as lay patrons of advowsons, or as to the nature and origin of their rights. He did not therefore see how the Crown could at all interfere in the matter.

Lord *Ellenborough* was of opinion, that this was not a case for the Secretary of State to interfere in, and if any noble Lord thought the present law defective, as to the application of relief, such noble Lord should bring the matter forward by a Bill.

The Marquess of *Clanricarde* hoped due inquiry would be made into this subject. According to the present form of proceeding by *quare impedit*, the delay and expense amounted to a denial of justice.

Lord *Wynford* contended, that already a tribunal existed for such cases, where the expense of the pleadings had been reduced as much as possible. It was impossible to recover this species of property by petition to Parliament.

Lord *Plunket* said, that the Crown was not in the situation of a trustee for the parties from whom the right of presentation to these livings was taken; for, before the Crown could be placed in that situation, it must know the nature of the right and title which the parties had to these advowsons, and must also know the religion which they professed. You could not say at once that the party from whom the right of presentation was taken was a Papist, and that he was therefore deprived of it; nor could you, on the other hand, say at once, that the heir of that party, who was a Papist, was now a Protestant, and therefore entitled to be restored to the control over these advowsons.

Lord *Ellenborough* suggested, that by referring to the clause in the Act of Parliament, there would be no difficulty in ascertaining the religion of the party claiming as a right the restoration of these advowsons. How did that clause ascertain the party's religion? By enacting that he should go to Church and take the Sacrament according to the rites and ceremonies of the Church of England. If a case were to be laid before the Attorney-General, showing that the right heir of the party from whom the presentation was taken was a Protestant, and had gone to Church, and had taken the Sacrament according to the rites and ceremonies of the Church of England, the Crown would be compelled to restore to him the rights of advowson, which had been taken from his ancestor as a Papist.

The Marquess of *Clanricarde* contended, that the Crown had neglected to take possession of this species of property, which it had wrested from the right owners, and that it had therefore got, by some means or other, into the hands of the Bishops, who now claimed as a matter of right to present to these advowsons. He denied that there had been any measures recently adopted to diminish the expense which it was necessary to incur in vindicating for individuals of this description.

The Bishop of *Exeter* said, that it was too much to suppose, without further inquiry, that the Bishops having not for many years collated to these livings, had collated to that to which they had no right. If the right of presentation to these livings was in the Crown, the Bishops had no right to collate to them; but it was unfair to presume, without examination, that the Bishops had done that which they had no right to do.

The Duke of *Cumberland*: If I recollect right, it was said on a former occasion, that the Crown had taken possession of the right to the presentation of these livings, and had given it over to the Bishops of the several dioceses in which they were situated.

The Marquess of *Westmeath* could not help thinking still, that this was a case of peculiar and remarkable hardship. The noble Viscount at the head of the Government asked, what could the King's Ministers do in this case? He (the Marquess of Westmeath) answered, that the King's Commissioners had the custody of the public records: the King's Ministers could constitute a Commission to inquire into the right of presentation to these livings, and could greatly facilitate the ends of justice. He was not of opinion, as the noble and learned Lords (Plunket and Wynford) who had spoken seemed to be, that it was desirable to plunge a man into that delectable remedy, a court of law, which the noble and learned Lords seemed to consider as the *panacea* for evils of this case. The noble and learned Lord who sat near him (Lord Wynford) had said, that the expense and delay attending the proceeding by *quare impedit* had been of late greatly diminished. He (the Marquess of Westmeath) admitted, that such might have been the case in England, but he defied the noble and learned Lord to tell him of one single statute which had been passed with that object in Ireland. The proposition for which he contended was this, that no man with two eyes in his head [*laughter*] could read the Acts to which he had referred, without being convinced, that it was intended by the framers of that Act, that any Peer if a Catholic, from whom the right of these advowsons had been taken, who had conformed to the Protestant religion, should take possession of that right without being compelled to go to law. And he considered, that the Crown, having the means in its power, by possession of the public records, and other circumstances, ought to afford him every facility in the recovery of that right.

Motion agreed to.

DISCIPLINE OF THE CHURCH.] On the motion of the Lord Chancellor, the Church Discipline Bill was recommitted.

The two first clauses were agreed to. The third, fourth, and fifth clauses were postponed.

Clauses 6, 7, 8, and 9, were agreed to, and Clause 10 postponed.

On Clause 12, persons promoting suits to execute bonds for payment of costs,

The Bishop of *Exeter* thought that the Bill as it at present stood was defective in one material particular, viz., that it afforded no encouragement to the prosecution of those cases in which prosecutions ought to be instituted; nay, rather contained a provision which went to discourage those prosecutions, because it was provided that no person should be allowed to institute a prosecution against any clergyman, unless he would submit to enter into a bond of 100*l*. He spoke from experience when he said that the difficulty of procuring voluntary prosecution was at present almost insuperable; and undoubtedly the expenses must always be such as would deter individuals from prosecuting. By the old law the Bishop was subject to the expenses of prosecutions, but that was peculiarly objectionable, because the Bishop's officers were the persons who tried the offender, and the Bishop therefore would have an appearance of interest against the offender, and an interest to procure costs from him, in order to pay back a portion of the amount for which the Bishop was liable; but how much would that objection be increased when the Bishop personally presided at the trial? To remedy this he knew of no other mode than that which he would take the liberty to suggest. The Commissioners for inquiry into the state of the Church had recommended in their last Report that several offices, commonly considered as sinecures, should be destroyed, and the revenues paid over into the hands of certain Commissioners, hereafter to be applied for the purposes of the well-being of the Church; but he submitted there could be no more just, no more reasonable purpose—none in which the best interests of the Church were more concerned—than the taking care that the real delinquents should be punished, and the Church be freed from the scandal arising from the conduct of unworthy members. He begged to propose a clause to the effect—that after any suit may have been commenced, if the party should be unable effectually to prosecute his charge, by reason of the expenses attending that prosecution, the Bishop may appoint an Archdeacon to carry on the prosecution, and bear all the lawful charges; and that such Archdeacon should report to the Bishop a true account of all expenses so incurred, deducting therefrom any costs which may have been allowed to him in the cause; and that the Bishop shall subscribe an order to refund those expenses, addressed either to the Governors of Queen Anne's Bounty, or any other treasurer of the revenues of suppressed sinecures in the diocese; and that, after the production of such order, such treasurer be directed to pay out the sums from one of the said funds.

The *Lord Chancellor* was afraid, if that clause were agreed to, that all the proceedings in every case would ultimately fall upon that fund. The clause was in opposition to the principle of law, that the prosecutor was responsible for the propriety of the proceedings.

The Bishop of *Exeter* was far from being bigoted to his own plan; but he was confident, that unless some means were devised to shield prosecutors from the necessary expenses, there would be an end to the discipline of the Church, and the clergy would only be restrained by their own sense of decency and of duty, which hitherto, thank God, had been so conspicuous and unexampled.

The Archbishop of *Canterbury* said, it was very true that prosecutions before the Ecclesiastical Courts had been very unsatisfactory; and that the great cause of that had been the large amount of expenses to which prosecutors were subject. He did not allude to the penal bond, because he apprehended that 100*l.* would go a very short way towards paying those expenses. It must be allowed that it was very desirable that some means should be devised of defraying the expenses, when really a prosecution was required, and the case was one of a trying nature; but, according to the amendment proposed, there would not be a single cause found in which the expenses were not paid out of the fund. Now, he should be sorry to divert the fund alluded to, which was intended for the increase of small livings, to any other purposes; for by adopting that, whilst they were doing good to the Church in one way, they would be impeding one of the very great purposes for which the Church Commission was intended.

Lord *Ellenborough* suggested, that some clause might be founded upon the principle of the rev. Prelate's amendment, and might be proposed for insertion upon the third reading.

The remainder of the clauses passed through the Committee. The House resumed. Committee to sit again.

HOUSE OF COMMONS,

Friday, July 8, 1836.

MINUTES.] Bills. Read a second time:—Convictions; Gold and Silver Plate (Scotland); Constabulary Act Amendment (Ireland).—Read a first time:—Richmond Penitentiary (Ireland); Corporate Property (Ireland); Ecclesiastical Duties and Revenues; and Post-Horse Duties.

Petitions presented. By Mr. WAKLEY, from Portwood, Manchester, against Factories' Act Amendment Bill; and for a Ten Hours' Bill; and from the Medical Profession, Abingdon, Suffolk; and from Coroners of Middlesex and Greenwich, for Medical Witnesses' Bill; and from Handloom Weavers, Sanquhar, for a Board of Trade to Regulate their Wages.—By Mr. BRADY, from Drumbo, for Abolition of Tithes (Ireland); and for Landlord and Tenant (Ireland) Bill.—By Mr. JOHN PARKER, from Dissenters of Sheffield, for Abolition of Church Rates.—By Mr. H. MARSLAND, from Stockport, for Equalization of Duties on East and West India Produce.—By Mr. R. WALLACE, from Kilryth, for Extending the Franchise to all Householders; and from Stirling, for Alteration of Municipal Corporations' (Scotland) Bill.—By Lord OSSULSTON, from various Places, for Benefit Building Societies' Bill.—By several HON. MEMBERS, from various Places, praying the House to Adhere to the Provisions of the Irish Municipal Corporations' Bill as originally passed by them.

GUARDIANSHIP OF THE THAMES.] Mr. Angerstein having moved the third reading of the Greenwich Pier Bill, proposed the insertion of a clause by way of rider.

Mr. Alderman *Wood* said, he must object to the clause. It went to take away altogether the jurisdiction of the Lord Mayor as conservator of the Thames. It was now more than sixty years since the Admiralty attempted, but in vain, to dispute that jurisdiction, and to set aside the rights of the Corporation of London in that respect. The effort should not now be repeated by smuggling a clause like this into a private bill. The effect of the introduction of such a clause into the Bill would be to drive the Corporation of London, very unwillingly, to oppose the Bill in the Lords, and they were sure to meet with success there, as justice was always done them in the other House, whenever they went there on points of right and law. The clause should be withdrawn or postponed. It was a matter of just complaint that no notice had been given of such a clause, and that it was never proposed in the Committee. It was only a few minutes ago that it had been put into his hands. It provided that such and such things should not be done in the river without the leave of the Admiralty, while the fact was the Admiralty had no authority there. He should be very sorry that the people of Greenwich should not have their pier, for the City of London was most anxious to encourage such an undertaking, but they certainly would lose the Bill in the Lords if this clause should be inserted in it.

Mr. *C. Wood* said, that he understood the hon. Alderman's objections to the clause to be, that it interfered with the rights of the Corporation of London as conservators of the river. It should be recollected, however, that it was the right of the Crown and of the Admiralty to interfere with all navigable waters. In the case of the Gravesend Pier Bill, the power possessed by the Admiralty was granted; he thought it was wrong to grant it; but no one disputed the right to grant it. He was sure that the hon. Alderman would not contend that the right of the City of London could override that of the Admiralty.

Mr. Alderman *Wood:* It had done so on several former occasions. The Admiralty of course had no desire to impede the progress of the Bill; but they could not allow the navigation of the river, in which they were interested, to be interfered with without their permission. The present clause, therefore, was proposed to be inserted, empowering the parties to build the pier in a way that should be approved of by the Admiralty.

Mr. *G. F. Young* said, that a saving clause preserving all the rights possessed by the Admiralty with regard to the navigation of the river might be inserted, but where there was a question of conflicting jurisdiction, it should not be attempted to be settled in this manner in a private Bill. There was at present a Committee sitting on the port of London, before whom the whole question of jurisdiction would come, or had indeed already come, and that Committee would shortly report its opinion whether the river should remain under its present regulations, or be subjected to some other form of Government.

Bill postponed.

MEETING AT NOON.] Mr. Wallace begged leave to move without making any remarks, that the House do meet at twelve o'clock on Monday to go into Committee on the Poole Corporation Bill.

Lord *Granville Somerset* said, that such a sitting would be very inconvenient, and would require strong reasons to induce the House to adopt it. The hon. Member had offered no reasons whatever for the Motion, which he would certainly oppose.

Mr. *Poulter* would support the motion. It would be impossible to do justice to the Bill—indeed it would be impossible to pass it this Session, unless they got a morning sitting for its discussion. The measure was one that interested all the Corporations in England, and it went to remedy a great national abuse.

Mr. *Williams Wynn* would not upon that occasion go into the merits of the Poole Corporation Bill, but when the hon. Gentleman said, that it was a Bill that concerned every Corporation in England, he must be permitted to reply that that was the very objection urged by the opponents of the measure against it. They said, and he thought justly, "Why not make this a general measure—why not apply the remedy to all cases, instead of bringing forward a local Bill of this kind?" On the contrary, the hon. Member for Shaftesbury resisted every attempt made on the Opposition side of the House to convert the Bill into a general measure. Everything, in fact, was rejected that did not tend to supersede the decision of a court of law, which it was attempted in the first instance to forestall, and which now it was attempted, if necessary, to overturn. The question now was, whether there was any good reason why this Bill should not take its course like all other business before the House. Why should this merely local Bill supersede all the important local and public business that was going on in the Committees of that House? Committees could not sit when the House was sitting. To himself and to other Members of Parliament it might make no difference if the House sat from twelve o'clock until midnight; but it would be a matter of great moment, and a source of great inconvenience, to the various parties in attendance on Committees, who would be kept in town in consequence. Nothing would be gained, while great inconvenience would be occasioned by taking the discussion of public business at twelve o'clock. Members of that House must take food and have sleep like other persons. If the business of the House was to begin at twelve o'clock, and go on till four, and if public business was to recommence at half-past four o'clock, it would be necessary for them to appoint a Committee of Supply for the purpose of procuring dinners to be supplied to Members on the spot at a certain rate. Some time must be allowed to Members for taking food and for other business which every individual must have to perform. The sure consequence of an attempt like this, to force more business on the House than it could get through, would be, that the business would be done in thin Houses, and without due attention and consideration; that improper measures would be carried through, and that measures quite proper in themselves would be passed in an imperfect state, without having undergone that deliberation and discussion which should have been devoted to them. He certainly would give his most decided opposition to the proposition. The noble Lord (Lord John Russell) might undoubtedly allow the Bill to have precedence of the orders of the day that evening, but he (Mr. Wynn) did not think that such important measures as the Church of Ireland Bill, the Stamp Duties Bill, and various other Bills, should be postponed for that purpose.

Lord *John Russell* was most anxious to consult the convenience of the House, and he therefore should not oppose the motion, if it was the wish of the House it should be carried. At the same time he must state that it was his own opinion it was not advisable for the House to meet on Monday morning. If the House sat at twelve o'clock on that day, three or four important Committees must suspend their sittings. That appeared to him a paramount objection to the morning sitting. The two first clauses of this Bill had already met with great opposition, and if the House should sit on Monday morning, the result would be that the whole time would be occupied with the discussion of the second clause, without making any advance in the progress of the Bill.

Mr. *Ewart* was favourable to morning sittings. Discussions were then carried on with greater sobriety. They should remember that the whole of the Poor-law Bill was carried through Committee at morning sittings.

Mr. *Heathcoate* said, that the Agricultural Committee would re-assemble to-morrow to make their report, and that it would not be finished for some days. He would protest, therefore, against the suspension of the sitting of that Committee on Monday by an early sitting of the House.

Mr. *Mackworth Praed* was convinced that the law-officers of the Crown, especially the Solicitor-General, ought to be present at the discussion of this Bill, and it would be impossible for them to attend a morning sitting.

Mr. *Wallace:* under the circumstances would withdraw his motion, and endeavour on another day to obtain a morning sitting for the discussion of the Bill.

Motion withdrawn.

DUTY ON WOOL IN FRANCE.] Mr. *Heathcote* wished to ask his right hon. Friend, the President of the Board of Trade, a question relating to a subject of great interest to the agricultural and manufacturing community. His right hon. Friend was aware that there was a great exportation of English Wool to France. Last year it amounted to 5,000,000lbs. The state of the Trade, nevertheless, between France and this country had been in a most unsatisfactory condition, for while we took their wool at a merely nominal duty, the duty imposed on our wool in France was almost a prohibitory one. He was given to understand, however, that France had lately made a reduction in the duty, and he hoped that his right hon. Friend would confirm that statement.

Mr. *Poulett Thomson* said, that in the autumn of last year he had stated that he had some hopes France would make a reduction in the duty, and he was now happy to be enabled to state that those hopes had been realized. In consequence of representations made by the Government of this country to France, the French Government had acceded to a reduction of the duty, and that reduction had since been confirmed by an ordinance.

FEMALE EMIGRATION.] Mr. *Charles Lushington* begged to know from the hon. Baronet, the Under Secretary of the Colonies, whether the Committee for the promotion of Female Emigration to Australia had been acting under the sanction of Government? That Committee had sent out twelve vessels, containing about 1,500 single females, all of which had safely arrived. The last two, containing 600 females, had reached their destination without the occurrence of a single death. He was, therefore, desirous of knowing whether the Government were satisfied with the proceedings of this Committee, or whether the Colonial Government of Australia had reported to the Home Government their approbation of the proceedings of the said Committee in that colony. He would be glad if the hon. Baronet would explain the exact nature of their proceedings.

Sir *George Grey* had no difficulty in stating, that the Committee to which the hon. Gentleman had adverted, and of which he was an active Member, had rendered most efficient assistance in promoting the objects of female emigration to Australia. The hon. Member for Berkshire had alluded, the other evening, to a placard, which he (Sir G. Grey) had not then seen, but which he had since learned had emanated from that Committee. He then stated it was a voluntary committee of gentlemen, who gave their time gratuitously for the promotion of a laudable and useful object, and he had now to say, in addition, that that committee had acted under regulations which were sanctioned by Government—regulations which he believed had been made after much deliberation, and with a view to render their object as efficient as possible. With regard to the approbation of the Colonial Government, he had only to refer the hon. Gentleman to the paper containing a Report of the arrival of the ships, and the location of the emigrants after their arrival.

ESTABLISHED CHURCH BILL.] Lord *John Russell* said, in pursuance of the notice which he had given, he rose to move for leave to bring in a Bill to carry into effect the recommendations contained in the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues. He wished, before he formally submitted his motion, that the House resolve itself into a Committee, to give, as briefly as he could, a general view of the nature of the measures which were before the House respecting the Established Church. Anxious as he had always been that measures should be taken to correct any defects that might exist in the Established Church, he had always been likewise anxious that every necessary reform in the Church should take place with the goodwill and assent, both of the prelates who were the heads of that Church, and of the great body of the clergy of the Establishment. It was, therefore, with great satisfaction that he had seen the appointment by the right hon. Gentleman opposite, when he was at the head of his Majesty's Councils, of a Commission, including several of the Archbishops and Bishops, and several lay persons, as well as persons holding high situations in the Government. That Commission had been succeeded by another, containing exactly the same persons, with the exception of those holding official situations, who being no longer in his Majesty's service, were replaced by their successors in the different departments of the Government; but with respect to the first and the other Reports of the Commission, those who had now the honour to be his Majesty's servants had been entirely agreed in the framing and promotion of the measures recommended. He hoped likewise to find that the right hon. Baronet who proposed the formation of the original Commission, and was himself a member of it, would not withhold his concurrence from the present motion. Should the right hon. Gentleman not withhold it, Ministers would then be armed with the authority of many of the heads of the Established Church, carrying with them the greater proportion of the clergy, and the leaders of different parties in Parliament, in favour of a plan of temperate, but, he trusted, effectual reform of [the Church. He could not forbear to add, because he felt it his duty to state it, that from the first moment he had entered his service, his Majesty had shown the greatest anxiety for the adoption of such measures as might be recommended by the Commission without reference to any patronage or advantage belonging to the Crown, if the sacrifice of that could promote the object, in which his Majesty took deep interest, the welfare and efficiency of the Established Church. He had stated these things, because much as he valued the cause of reform, in general, even such a reform as might be proposed and carried in spite of opposition, he still thought it would be a great additional benefit that any measure of reform should receive the approbation of various parties—that it should be sanctioned by the heads both of the State and of the Church, and be carried into effect without that reluctance and without that feeling of irritation which were consequent, and naturally consequent, on plans of reform which met with objection and resistance before they were sanctioned by Parliament. Having stated thus much respecting the Commission, he would now enter into some of the objects which were considered by the Commission, both with reference to the efficiency of the Church Establishment and with respect to the opinion of the country regarding its defects. He trusted that the importance of the subject would lead the House to give it the consideration due to that importance, although it might not be surrounded by that excitement and interest produced by measures of a mere party character, and which met with mere party opposition. One of the first complaints usually made against the Church Establishment was the inequality of its bishoprics, both with respect to duty and revenue. As to duty, the territorial division was most unequal, and the number of benefices also varied in a very great degree. Lincoln had 1,234 benefices, and Norwich 1,021 benefices, while Bangor had only 124, and Ely 149 benefices. but the inequality was still more obvious as regarded the amount of revenue. The income of Canterbury was 18,090*l.*, Durham 19,480*l.*, London 13,890*l.* while the income of Llandaff was 1,170*l.*, Oxford 1,600*l.*, and of Rochester 1,450*l.* The evils of this glaring difference of income were many and obvious. One of them was, it led to the taking, by the poorer sees, of dignities and benefices *in commendam*—an expedient resorted to by the Crown, in order to afford the occupants a sufficient income to support their rank in the Church. This, of itself was a real evil; and another (to which attention was formerly much turned, and whether it was or was not a positive evil, it certainly had a great weight in public opinion) was, it gave rise to a suspicion, and possibly accusation against those who held the poorer bishoprics. It was said, and naturally said, by those who had not the means of contradiction, that those prelates who were placed in the poorer bishoprics of 1,600*l.* or 2,000*l.* a-year, would be naturally desirous to be translated to sees of higher value, and that thereby, in the first place, their attention was diverted from the care of the see they held, that they did not pay that regard to it which they would have paid had they been fixed in it for life; and in the next place, that the political conduct of the Bishop was affected by his expectant situation. He thought that, in both these respects, the plan of the Commission afforded a remedy, by giving to some sees a larger amount of revenue in proportion to the importance of the duties, and to the expenses to which the occupants might be exposed. With regard to benefices, the numbers would hereafter be much more nearly equalised by the new arrangement. The number retained by Norwich would still be large, viz. 809 benefices; but in other cases they would be reduced much nearer to equality than formerly. As to revenue also, the Bishops would be placed in future much more upon a level, and each would be sufficiently provided for, that it would not be necessary to give to any see dignities or benefices *in commendam* excepting such as heretofore had been customably and permanently annexed. The proposal of the Commission was, that nine sees should be reduced from 102,860*l.* to 70,700*l.* leaving an excess of 32,160*l.* One see was to be raised from 4,220*l.* to 5,000*l.* This was the united see of Gloucester and Bristol. Twelve sees were to be raised to 4,500*l.* each, or in the whole from 33,560*l.* to 54,000*l.* The w new sees of Ripon and Lancaster were fixed at 4,500*l.* each, or 9,000*l.* together, and two remained unaltered at 9,700*l.* The only exceptions to the general average of England were Canterbury, York, and London, where the duties were necessarily heavy; and Durham and Winchester, which required a greater expenditure than other bishoprics. Thus these five archbishoprics and bishoprics would remain objects of translation; and he did not think that any real benefit would result from the proposal of an hon. Gentleman, who had given notice of a motion to the effect that no translations should be permitted. In the first place, there could be only few bishops who could indulge the hope or expectation of translation. The objection hitherto urged, that the occupants of inferior sees continually looked for better bishoprics, was obviated by the small difference between 4,500*l.* a-year, and 5,000*l.* a-year. A bishop who had taken possession of his see, who had probably expended a considerable sum upon his establishment, and who had 4,500*l.* a-year, would not be willing to quit his residence and connexions for an advance in his income of only 500*l.* or 700*l.* a-year. It remained to be considered whether it would be for the benefit of the Church that with respect to the archbishoprics and larger bishoprics the Crown should have no power of translation. The fact of the Archbishops of Canterbury and York, and the Bishop of London, both occupying seats on the bench, and having onerous duties to perform, and expensive establishments to keep up, would prevent their situations from being objects of desire to the great majority of the Bishops. A proposal to limit the prerogative of the Crown, would be so injurious that he could not persuade himself that the House would support the plan of the hon. Member, as an amendment to that proposed by the Commissioners. He felt that the plan of the Commissioners, as far as could be rationally expected, was likely to put an end to translation. It was calculated to put an end generally to the existing temptation for Bishops to neglect their dioceses, in the hope of translation, and those filling the inferior bishoprics would be more likely to act independently of political parties, by whom they might otherwise be influenced, for the sake of some preferment. At the same time this plan did not interfere with the prerogative of the Crown. The Crown would still have the power to choose, if it thought proper, a Bishop of an inferior See for full archiepiscopal dignities. He had stated what would be the result with respect to particular bishoprics. There would be a certain number of them, the income of which would be raised to 4,500*l.* per annum. It seemed to have been first in the contemplation of the Commissioners, and the first Report bore out that view of the subject, to take away some of the revenues of the bishoprics, as the impropriate tithes; and, where it was thought advisable, to apply a part of those revenues to the dioceses from which they were taken, and to make up the deficiency from other sources. The Commissioners, however, after much consideration, came to be of opinion, that they had no more right to interfere with these tithes than with private property, and that it would be better not to make any disturbance of their revenues—not to take away with one hand for the purpose of adding with the other. He thought the Commissioners had come to a wise opinion upon that subject, because if they had taken away those revenues with a view of separating them, or giving them to particular local districts, the consequence would have been that they would have been obliged, from other sources, to seek an increase of revenue; and while, on the one hand, they would be acting for the benefit of certain local interests, and supplying the wants of religious instruction in these places, they would, on the other hand, be taking away revenues which would otherwise have supplied the local wants of other places equally requiring them. Therefore it was thought better to take the whole of this revenue, which amounted to about 150,000*l.*, and make the arrangement now proposed. The sum required to carry that regulation into effect would be 148,400*l.*, and taking that from the whole sum of 150,340*l.*, an excess of 1,940*l.* would be left; which would be useful to supply any small deficiencies. Dividing the present income of 150,000*l.* amongst the Archbishops and Bishops, it would leave the Archbishop of Canterbury, as appeared from the table* he was reading, 15,000*l.*; the Archbishop of York, 10,000*l.*; the Bishop of London, 10,000*l.*; of Durham, 8,000*l.*; of Winchester, 7,000*l.*; and the various other Bishops, from 5,500*l.*, the

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* The following is the Table referred to by the noble Lord in his speech :—

Proposed ARRANGEMENT of EPISCOPAL INCOMES according to third REPORT—Propositions 41 and 42.

PROPOSITION 41.

	Estimated Income.	Proposed future Income.	Excess.
1. Canterbury	18,090	15,000	3,090
York	10,270	10,000	270
London	13,890	10,000	3,890
Durham	19,480	8,000	11,480
Winchester	10,370	7,000	3,370
Ely	9,400	5,500	3,900
Worcester	6,500	5,000	1,500
Bath and Wells	5,550	5,000	550
St. Asaph Bangor	5,500 3,810	5,200	4,110
	£102,860	£70,700	£32,160
			Deficiency.
2. Bristol Gloucester	2,090 2,130	5,000	780

PROPOSITION 42.

3. Carlisle	3,050	4,500	1,450
Chester	2,900	4,500	1,600
Chichester	3,610	4,500	890
St. David's	2,800	4,500	1,700
Exeter	2,790	4,500	1,710
Hereford	2,650	4,500	1,850
Litchfield	4,350	4,500	150
Lincoln	3,810	4,500	690
Llandaff	1,170	4,500	3,330
Oxford	1,600	4,500	2,900
Peterborough	3,380	4,500	1,120
Rochester	1,450	4,500	3,050
	£33,560	£54,000	£20,440
4. Manchester	....	4,500	4,500
Ripon	....	4,500	4,500
5. Norwich Salisbury	4,700 5,000	4,700 5,000	Unaltered.

SUMMARY.

	From	To	Excess.	Defic.
1. Nine Sees to be reduced	£102,860	70,700	32,160	
2. One See to be raised	4,220	5,000	....	780
3. Twelve Sees to be raised to £4,500 each	33,560	54,000	....	20,440
4. Two new Sees at the same	....	9,000	....	9,000
5. Two unaltered	9,700	9,700	....	....
	£150,340	148,400	32,160	30,220
	148,400		30,220	
	£1,940		£1,940	

highest, to 4,500*l.*, the lowest amount of their incomes. He thought that by this arrangement he should provide for these bishoprics in a manner that could not be said to exhibit either extravagance or any undue proportion. He knew it might be stated, that the revenues of an Archbishop of Canterbury, or a Bishop of London, should not be as high as he had proposed it. But he must say, he thought the comparison that had been made as between an Archbishop of Canterbury or a Bishop of London, and persons holding civil and judicial offices, was obviously not a just comparison. Persons filling judicial or civil offices, incurred certain expenses connected with the duties of their office, but there the demand upon their salaries ended. With respect to an Archbishop or Bishop, he was placed, according to the constitution of the Church—and that constitution he did not wish to alter—among persons having a large revenue derived from the property of the country. He was placed in a certain house which required a certain establishment to be maintained, and that there should be observed certain duties of hospitality; he was placed in a situation in which even more was required from him, than from men of the highest rank and great landed property, on account of charity, a large expense being incurred. In all these respects, his situation was totally different from that of a Chief Justice of the King's Bench, or a First Lord of the Treasury, who received an official salary, out of which he paid the expenses consequent on the performance of the duties of his office, and nothing else. It was not the plan of the Church of England, nor did he wish it to be, that its Ministers should be considered mere functionaries, receiving certain stipends from the state, and having nothing but their bare duty to perform in return. Nor did he propose by the present Bill to alter the plan in that respect; and unless Parliament did alter it, they could make no fair comparison between the situation of a Bishop at the head of the Church, and the situation of those holding official stations and receiving stipulated salaries. He came next, after the duties and revenues of the Bishops, to consider the duties and revenues of the cathedral deans and chapters. Several of these dignities were held by Bishops, and the Commissioners thought that objectionable; they thought it took the Bishops away from the performance of the duties of their sees; and they were of opinion also, that the duties of the deans and chapters ought to be substantially performed by persons who should hold the office for that purpose. The Commissioners were further of opinion, that it was not necessary to have so large an establishment as now existed, for the performance of that description of duty. In many of the chapters there were sinecure dignities, the holders of which were not obliged to reside, nor were they called on to perform any service whatever; in some also exceeding by eight or ten, the number in other chapters. At the same time there was in such districts a great want of the means of spiritual instruction. It seemed to the Commissioners, therefore, whatever abstract opinion they might entertain with respect to the utility of such dignities being maintained as rewards for learning and piety in the Church, that they might, with a due regard to the efficiency of the Church, make a considerable reduction in the cathedral deans and chapters. But acting on the principle he had explained of removing the defects and abuses of the Church, and not altering the general form and principles of the establishment, they did not entertain the proposition of doing away with these cathedral dignities altogether. Some Church Reformers had made that proposition, but it did not appear to the Commissioners, nor did it appear to him, that it would be wise to destroy the cathedral establishments. The Commissioners were of opinion, after mature deliberation, that three or four canons were as small a number as would be required by the cathedral duties, but at the same time they had left neither the whole income of these different canons to be appropriated for learned leisure, nor had they wholly destroyed the reward for literary eminence which such situations might properly confer. Their opinion with regard to many of the cathedrals was, that of the canons, some one or more might well perform a duty of great importance to the Church, but which had not hitherto received an adequate remuneration, viz. the duty of Archdeacon. There was no duty which ought to be more adequately remunerated, than that of the archdeacon, and it appeared that there was no better way of obtaining that object, than by providing that one or more of the canons, as occasion might arise, should be destined for the performance of that duty. Much depended on the archdeacons; the bishop derived from them his knowledge of his diocese, and by their superintendence, the churches were kept in that state of repair which was necessary for the performance of divine service. There were other cases in which it was not thought expedient that these canonries should remain; he alluded to those in which the number was unusually large, and in which they were situated in large parishes, where there was no adequate provision for the religious instruction of the people. It was thought, that canonries might, in some instances, be safely appropriated to the performance of those duties; and while a sufficient revenue would be afforded to them, there would be assigned to them, an important parochial duty. Inasmuch, then, as there would be three or four canons left to every cathedral, it could not be said, that the establishment would have withdrawn from it—that being ground which had been frequently combatted, and he was not one who thought it ought to be surrendered ground—the means of providing for the wants of men of distinguished learning and abilities. There were men to whom one of those canonries, connected with much business and labour, would not be suited, because those most distinguished for learning were frequently not the best men of business, or the best adapted for large and populous parishes. There would be a certain number, then, but it would be a small number of canonries left, in which the only service to be performed would be the cathedral service; and which would not be connected with any other duties. The result of this change with respect to the cathedrals would be, to procure a very large sum for the purposes of parishes which wanted spiritual care, and which had been very much neglected. He would not go into the whole plan of the Commissioners, but he would state the circumstances of some of the parishes in which there was a large population, the spiritual wants of which were inadequately supplied. In the first place, the corporate incomes of the suppressed canonries would be 64,699*l.*; in the second place, the separate estates of minor canons on the old foundation, would be 17,194*l.*; in the third place, the estates of the deans and canons of Durham and Ely, 11,777*l.*; then the separate administrations and sinecure prebends, 26,830*l.*—making, in the whole, a sum of 120,494*l.*; to which was to be added a sum of 8,894*l.*, to be derived from sinecure rectories—amounting, altogether, to 129,388*l.* When the sum left for deans and canons was taken away, there would remain a sum, which, as it should fall in, it was proposed should be applied to the wants of populous parishes, being as nearly as possible, 130,000*l.*;[*] and with regard to the application of this sum, regard would be had, in the first place, to the wants and circumstances of the different parishes, belonging to the dioceses from which those revenues might be derived; that was to say, when any sum arising from a prebend shall fall in, and be entirely at the disposal of the Commissioners, due regard should be had to the wants and circumstances of the parish or parishes affording the revenues. In the dioceses of London, Chester, York, Litchfield and Coventry, there were 108 parishes, containing a population of 2,590,000 persons, and there was Church-room for 276,000 only, being only one-ninth of the population. Taking, then, the calculation of the Commissioners—for he would not enter into the question whether this were a right basis of calculation or not—that church-room ought to be provided for at least one-third,—that is 863,333,—there would be still a deficiency of church-room for 587,333 persons. He did not go into the question whether they should provide church accommodation for that exact proportion or not, but he mentioned the statements to show that there were parishes immensely populous, for which no adequate supply of instruction, according to the doctrines of the Church of England had yet been made.

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[*] The noble Lord referred in the text to the following Table,

Estimated amount of the property and revenues referred to in proposition 56th of the 4th report, from each source respectively.

1. Corporate Incomes of all the suppressed Residentiary Canonries, propositions, 1, 2, 15 (excepting at Chester and Litchfield proposition 16, and in the Welch Cathedrals.—Propositions 21, 24, 25)	£64,699
2. Separate Estates of all Deans and Canons on the old foundation, proposition 17 (excepting where wholly or in part specially appropriated proposition 18, 31)	17,194
3. Separate Estates of Deans and Canons of Durham...... 11,510, and Ely........... 260 (But see Proposition 36.)	11,770
4. Separate Endowments of all sinecure prebends and offices, proposition 30 (excepting those annexed to bishoprics.—3d Report, proposition 50, and those specially appropriated.—4th Report, propositions 22, 26, 31)	26,831
	120,494
5. Sinecure Rectories.—Proposition 44	8,894
	£129,388

The following is the account which the noble Lord quoted:

	Parishes.	Population.	Church-rm.
London	4	166,000	8,200
	21	739,000	66,155
	9	232,000	27,327
Chester	38	816,000	97,700
York	20	402,000	48,000
Litchfield & Coventry	16	235,000	29,000
	108	2,590,000	276,382
			One-ninth.

He would exemplify this in another manner, not with respect to the want of church-room, but with regard to the incomes of the clergy in several instances, as they were stated in the returns of the Commissioners, and as they appeared in the pages of their Report.—In the diocese of Chester there was a parish, Motram in Londendale, with a population of 15,536, and the net income of the clergyman was only 219*l.*; Neeton, in Manchester, was a perpetual curacy, with a population of 11,821, the net income of the curate being 155*l.* In Oldham, the population was 32,381, the net income of the clergyman, 191*l.* In Walton-on-the-Hill there were 46,642 persons, and the income of the clergyman is 294*l.*, of which 100*l.* is paid to a curate. In Kendal, there was a population of 11,840, the net income of the clergyman being 285*l.*; and in another parish, Heton Norris, a perpetual curacy, the population was 11,288, and the clergyman's income 116*l.** He need not go on; there were many other similar instances to be found in the Reports of the Commissioners. He thought these were sufficient to show that there were cases in which it might be most advantageous to increase the income of the clergyman, and to provide the means of instruction according to the doctrines of the Church of England. He thought further, he was justified from these facts in saying, that though there was the sum of 130,000*l.* proposed to be devoted to the object he had stated, that sum being derived from the cathedral churches, not only must that amount be very soon exhausted, but if it were much larger there would evidently be the means of employing it advantageously in those parishes in which there had grown up an immense population, and in which there was no adequate income for the clergy. What he was now stating, in his opinion, bore very much on the question which had been often mooted in this House and elsewhere, but to which he did not now wish more particularly to allude than to state it; he meant the question as to whether the revenues of the deans and chapters in his country might not be applied to other purposes than those connected with the Church—whether this were not wanted for the Church itself. It appeared to him that this question was settled by the statement

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*These statements were principally taken from the following return to which his Lordship referred:

CHESTER DIOCESE.

Parish.	Rectory, Vicarage, or Curacy.	Patron.	Impropriator.	Population.	Net Income.	Stipend to Curate.
					£	£
Motram in Londendale	Vicarage	Bishop of Chester	Bishop of Chester	15,536	219	—
Neeton, in Manchester	Perpetual Curacy	Collegiate Church of Manchester		11,821	155	—
Oldham	.. .. ..	Rector of Presswich	.. .. ..	32,381	191	—
Runcorn	.. .. ..	.. .. ..	.. .. ..	6,360	294	—
Shotwick	.. .. ..	.. .. ..	Dean and Chapter of Chester	713	88	—
Walton on the Hill	Vicarage endowed with Great Tithes.	.. .. ..	.. .. ..	46,642	294	100
Winwick	Rectory	.. .. ..	.. .. ..	88	3,616	—
Whalley	Vicarage	.. .. ..	.. .. ..	3,660	137	—
Whittle-le-Woods	Perpetual Curacy	.. .. ..	.. .. ..	2,987	40	—
Wood Plumpton	Perpetual Curacy	.. .. ..	.. .. ..	1,710	96	—
Lees, in Ashton-under-Lyne	Perpetual Curacy	.. .. ..	.. .. ..	4,387	131	100
Kendal	Vicarage	.. .. ..	.. .. ..	11,840	285	90
Heton Norris	Perpetual Curacy	Collegiate Church of Manchester		11,238	116	—
Holt	Perpetual Curacy	Dean and Chapter of Winchester		1,015	101	—
Douglas, in Eccleston	.. .. ..	.. .. ..	.. .. ..	1,474	70	—
St. Bridget's, Chester	Rectory	.. .. ..	.. .. ..	766	75	—

he had made, and by the Report of the Commissioners. It was certainly contrary to his opinion, and to the opinion expressed by the Commissioners, that the whole of the revenue of the deans and chapters should be applied as at present; yet such was the deficiency of spiritual instruction in parts of those districts, that they could not, with a due regard to the efficiency of the Church, apply them to other purposes than to supply the spiritual wants of the people. There was another Bill which he would not enter particularly into now, but which formed part of the general scheme—he meant the Bill which had come down from the House of Lords with respect to pluralities and residence. In the Report of the Commissioners were to be found many instances of clergymen who, while there were parishes so inadequately supplied, were holding two or three rectories, and perhaps sinecures amongst them, of the value of 2,800*l.* and 3,000*l.* and upwards, and allowing very small sums for the performance of the duties to the curates of the parishes to which they belonged. This had been felt, and must be felt, as a great defect and a crying grievance. It had been an object with the Commissioners, as far as possible, to put an end to these grievances, and to this purpose they proposed that residence should be strictly enforced. The Bill required that each clergyman should be resident on his living for niae months in the year; in case of any special exemption a return was to be made to the King in Council, which would afterwards be laid before Parliament, so that any case of undue indulgence would be immediately known. The Bill would also prohibit persons from holding two livings together, except they were within ten miles of each other. That in effect would, he thought, put an end to pluralities altogether. So far as his examination had gone, he considered he was under the mark when he said that nine-tenths of the pluralities at present existing would be put an end to by a provision of that sort. Nor under this Bill would a person holding a living of 500*l.* a-year hold another, except under peculiar circumstances. There were some cases in which it might be an advantage for a living poorly endowed, to be held by a clergyman with a large income from another living, if he chose to undertake the poorer one. With respect to the abolition of pluralities, there were some cases of difficulty, such as those in which the livings were so small as not to afford a sufficient remuneration; but he himself did not much apprehend embarrassment here, because in most of those instances there had been curates, the fact being that the living was in itself not so poor, but the greater portion of it was taken by the rectors. With respect to the patronage in the hands of the Crown, he did not entertain the objection to it felt by some. He considered it the means of connecting the State with the Church, and thought it would be a great evil to have a Church totally unconnected with the State. Placing Church patronage in the hands of the Crown afforded the means of uniting the Church with the State, and thus gave an assurance that the Crown would take care of the welfare of the Church on the one hand, and on the other that the Church would not attempt to counteract the general policy of the State; nor did he object to patronage being left in the hands of private individuals. In a country like this persons composing the different classes of society should have their interests, as much as possible, interwoven one with the other. He was further of opinion, that it was advantageous to have a small amount of patronage in the hands of the Bishops, inasmuch as it was the duty of the Bishops to observe and superintend the conduct of the clergy; and one way of enabling them to do so with effect was to give them the power of bestowing rewards, as well as the power of discouraging improper conduct. If a clergyman had conducted satisfactorily the affairs of a small benefice for a great number of years, it might be considered that he had a claim on the Bishop, which would, perhaps, not be attended to so immediately either by the Crown, or by those who possessed private patronage. He considered it right that the Bishops should have the power of attending to cases of this description. With respect to the other classes of preferment in the hands of the deans and chapters, without entering into that question, or throwing blame on any parties, he might say he did not see any particular reason why large numbers should be without the rewards to which they were fairly entitled, while many not only had a stall in one of the cathedrals, but likewise held a benefice. He thought it was fairly proposed by the Commissioners, with a view to augment the livings, that the Bishops in future, in cases where canons did not take the preferment themselves, should have the power of distributing the patronage which had hitherto been in the hands of the dean and chapters. He believed he had now alluded to the principal heads of the scheme proposed by the Church Commissioners. It appeared to him that this was a measure of Reform which, while it was of a temperate character, would cure the evils of which there was abundant reason to complain. If this Bill passed there would exist no longer those immense incomes—there would exist no longer those offensive pluralities—those excessive revenues of the deans and chapters, while there were large districts in which no provision was made for the religious wants of the people. It was his fate, some years ago, to state that, in his opinion, the revenues of the Church of England were not too large, but that they ought to be more equitably distributed. The expression of that opinion brought down upon him the censure of a right reverend Prelate; but he still entertained the same opinion; and he was now supported in his view by the Report of the Commissioners, who declared it to be their opinion that the revenues of the Church might be more equally distributed—distributed in a manner more conducive to the efficiency of the Establishment. In proposing this change, however, they did not propose nor did they think it expedient any more than he did, to diminish the revenues of the Church. He trusted that these Bills would be carried into effect, and he trusted this object would be accomplished without exciting any opposition or any irritation such as similar plans had before excited. He could not conclude without paying the tribute of thanks due to the Archbishop who was at the head of the Commission, and who had shown every disposition to consult public opinion where he thought it just and reasonable. He was persuaded that it was far better to carry into effect a plan in which the high dignitaries of the Church had willingly concurred, and which they had laboriously examined, than it would be for the House to adopt other plans which, whatever merit they might have, would not possess that great, and, in his opinion, supereminent merit, of carrying with it the head of the Church, and the general support of its most valuable and influential friends. His Lordship concluded by moving, that the Chairman leave the Chair.

Mr. *Charles Lushington* said, that in proposing the amendment of which he had given notice, he should confine himself, to its specific subject, except when it was indispensable to advert to the noble Lord's observations on the general question. The hon. Member then continued as follows: Sir—Before I had the honour of a seat in Parliament I read a speech of a right hon. Gentleman then, as now, a member of the Administration, in which he stated that he never rose to address the House without trepidation. Now, Sir, if that right hon. Gentleman, possessing high official station, eminent talents, ready eloquence, and the well-earned favour of this House, was influenced by such feelings, what must my sensations of anxiety be, enjoying none of those distinctions, scarcely known to the House except by a few silent though uncompromising votes, labouring under the disadvantage of obvious, but to my affection, not ungrateful contrast, and placed in direct collision with the leader of that party with which I usually act, and whose measures as a Minister have, with little deduction, received my support and engaged my cordial admiration? An imperative sense of duty, however, impels me to undertake a task which I fear I shall very inadequately perform, and in the execution of which, therefore, I earnestly seek the indulgence of the House. Neither must I exclude from the catalogue of my difficulties the consciousness that imminent over my head hangs the overflowing indignation of the hon. Baronet, the Member for the University of Oxford; but I console myself with the reflection, that in his strictures there is no gall, and that what he considers to be inconsequent and foolish, is marked by no undue severity of reprobation. At all events he will "judge righteous judgment," and will at least do justice to the integrity of my motives. Undeterred however, Sir, by these discouragements, I venture to express my regret that his Majesty's Commissioners have not thought proper to include in their deliberations the question of abolishing the translation of Bishops from one see to another, because I am conscientiously of opinion that the maintenance of that system is hurtful to the character and interests of the whole body of the clergy, injurious to the efficiency, the purity, and the independence of the Established Church, and destructive of that vital spirit of genuine religion which every sincere Christian must desire to see flourish. When this question was brought forward by the hon. Member for Shoreham, in the year 1833, incidentally in a debate on the Irish Church Reform Bill, he was apprized that that was not a suitable opportunity, and he was referred to the time when a Report on Church Reform should be laid before the House. The proper season for the discussion, therefore, is now arrived. The hon. Member alluded on that occasion to the condemnation of the practice by one of the ancient Councils of the Church, the Council of Sardica, whose language is very explicit. The President then observed, "This pernicious custom must be rooted out; none have been found to pass from a greater bishopric to a less, therefore they are induced by avarice or ambition." The same council excluded translated Bishops from communion. This discipline was observed for 900 years, and the first departure of any note was that of Pope Formosus, who was also Bishop of Porto, one of whose successors marked his disapprobation of the practice by digging him out of his grave, and a council held soon after forbade this translation to be made a precedent. I should have observed before that the translation of Bishops had been prohibited also by the Council of Nice. Having adopted its creed, we should not disregard its ban against translations. But, Sir, for this assembly we have greater authority than that of the Councils of Sardica and Nice, or than all of the Church councils that ever were congregated.—I mean the authority of this House. In April 1701, a Bill was introduced into the last Parliament of William 3rd, by Sir John Packington, Member for Worcestershire—a Tory and "an undoubted Churchman"—"for the better preservation of the Protestant religion, and for preventing the translation of Bishops from one see to another." This Bill passed the second reading, so that the principle was affirmed, but it was lost in Committee in consequence of the interpolation of irrelevant matter. And now, Sir, in order to show what the feeling of the clergy of that day was with regard to the proposed measure, I entreat the permission of the House to read two or three passages from a letter to a clergyman in the country from a dignified clergyman in London. It was published in the year 1701, and the copy which I hold in my hand is perhaps the only one extant. After exposing the interpolated clause, he remarks,

> "When Bishops are settled for life upon their bishoprics, they will very probably mind their cures better than otherwise they can be expected to do. While a man lives in restless expectation of an elder brother's death, it will be one of his chiefest concerns to keep up and enlarge, if he can, his interests at Court, and with all great persons related thereto. He must be very courteous and easy in his present see, and mighty tender in his discipline, that he may be sure not to get any ill words from any quarter."

He then states,—

> "He must be blind and deaf to the scandalous conduct of the clergy, lest the punished should study revenge, and by one means or other throw in a rub at the vacancy; and why should he trouble himself and others with inquiring into matters which he is not likely (or at least hopes not) to stay there long enough to see reformed? He's to keep this flock but till yonder old man goes off the hill; and therefore if there be any giddy or scabbed sheep amongst them, he'll e'en leave them to be dressed by the next comer, and keep his own fingers out of the tar-pot."

I beg the House to allow me to read one more extract.

> "The intolerable spoil which is often made upon the temporalities of the poorer bishoprics by their transient incumbents you have well remarked, and I wish it could not justly be farther observed, that those expectants not content to make more than the best of what they have, do often cast a wishful eye too upon what they are in quest of, and push very hard against the 10th commandment, if not break through it. The expecter is very apt to think the old man lives too long, *et pater ante diem patrios inquirit in annos;* and then how hard is it for a man to have any good blood in his heart for one who outlives his expectations, and keeps him out of the possession of his wishes! And on the other hand how natural is it for the predecessors to look back with more indignation than charity upon him who thus treads on his heels, and is ready to push him off the stage before he comes to the end of it. Indeed, 'tis pity that Bishops should be thus exercising one another's patience; and yet how often is it so? and how often (if the truth were known) has the honest old gentleman at Winchester been wished in his grave! and what fears be there lest his toughness should outlast the King! But 'tis no matter, he has the proverb, and I hope Providence too, on his side, and I do not despair but he may yet live to pass this Bill against translations."

Such were the sentiments on Episcopal translation entertained by a dignified clergyman of the Church of England, in 1701. I shall presently advert to the opinion of his successors on the subject. Sir, the House will not fail to observe, that on the occasion of the debate to which I have referred, the preservation of the Protestant religion was identified with the abolition of Episcopal translation. But, Sir, I have no apprehension for the stability of the Protestant Church. I reckon that it is based on a foundation of reason and scriptural authority which no violence can shake, no internal dissensions undermine; that its temporal bulwark is the affection of the people of England; and without intending the remotest reflection on other forms of Christianity which I distinctly and solemnly disclaim, I may in full charity declare my persuasion that against the general cause of Protestant truth neither force nor machinations will be suffered to prevail. Nevertheless, I aver that the prosperity of our section Protestant Church, I mean the Church of England, is endangered by the maintenance, among other abuses, of translations, in defiance of the wishes and judgments of the great mass of the people, and a large majority of the clergy themselves. I never spoke to a clergyman respecting the practice who did not deprecate its existence. Dr. Burton, the late Regius Professor of Divinity in the University of Oxford, inquired, "Why is this evil inflicted on the Church?" and he declared that "Lord Henley most justly inveighed against the translation of Bishops, and that he himself had literally not found a clergyman who did not take the same view." Not to multiply instances of Bishops who have refused to be translated, I would just allude to Dr. Wilson, the exemplary Bishop of Sodor and Mau, who would never quit the diocese which his Christian zeal had regenerated and enlightened; and we read, in Camden's Remains, of a certain Bishop who had quite a marital attachment to his own see. This is the passage: "John Fisher, Bishop of Rochester, when the King would have translated him from that poor bishopric, he refused, saying he would not forsake his poor little old wife; thinking of the 15th Canon of the Nicene Council, "*Matrimonium inter Episcopum et Ecclesiam esse contractum.*" His successors, however, have not been so constant, and have, according to the above view indulged in ecclesiastical polygamy; for, in a recent instance, a prelate had scarcely gained possession of his poor bride of Rochester, when, in the same year, after a tenure of eighty-two days, he deserted her for the wealthier blandishments of merry Carlisle. The predecessor of the present Bishop of Exeter remained scarcely six months in his diocese before he was translated. I do not mention this with any feeling of disrespect towards the excellent prelate in question, but in illustration of the vice of the system which I desire to denounce, without inculpating individuals. Sir, though there are great and obvious objections, in a social point of view, to the removal of Bishops from the dioceses with which they have become acquainted, and where their local knowledge and intimacy with their flock may render them eminently useful, yet is not the actual separation which is so mischievous as the constant state of expectation in which the Bishop lives, the subservience and hypocrisy which it is calculated to engender, and the reproach to which it undeniably exposes the order. The noble Lord said, that the Commissioners having increased the emoluments of the poorer sees, had almost equalised the bishoprics, and therefore translations will not so frequently occur; but much disparity yet prevails, and there are still left several great prizes for which the less opulent Bishops may be supposed to contend. But, Sir, observe the fallacy of the noble Lord's assertion, that the evil of translations will be remedied by the present arrangements. It is diminished in appearance, but Episcopal appetency will be fomented with equal intenseness, and the spiritual Barons exposed, as hitherto, to political trial and corruption. Examine the new gradation of emoluments as now revised; it forms a regular episcopal gamut. First come the bishoprics with not less than 4,000*l.* nor more than 5,000*l.* per annum; then we see

Worcester and Bath	£5,000
St. Asaph and Bangor	5,200
Ely	5,500
Winchester	7,000
Durham	8,000
London	10,000
Archbishopric of York	10,000
Archbishopric of Canterbury	15,000

Here are ten goodly pieces of preferment to be contested by the other Bishops, who receive not less than 4,000*l.*, and not more than 5,000*l.* per annum; so that the Minister of the day has only to intimate to the Bishop of 4,000*l.* per annum, "If you vote judiciously you will soon reach the 5,000*l*; Ely, Winchester, Durham, and London will then open on your view, and you may shortly expect to mount the archiepiscopal pinnacle." Sir, there is no exaggeration in this statement; for while the Bishops are constituted as at present, they cannot escape from Ministerial influence, much less from the seductive impulse of self-interest, and, what is worse, from that suspicion and contumely which their variable condition is too certain to invite. I repeat that the system encourages hypocrisy in our section of the Church. For instance, if a metropolitan or the holder of a rich see, die, is their much sincere grief among the expectants? No; but they must simulate sorrow—they must mourn for the old prophet and exclaim "Alas! my brother!" with grief on their brow, and satisfaction in their hearts. They bewail the loss of one so beloved and revered in his diocese where he resided, and set an example such as the men of Bristol covet, full four months in the year, "so known, so honoured in the House of Lords," where he attended the remaining eight—and oh! so dead at last. Thus it is: "*Periisse Germanicum nulli jactantius mœrent quam qui maxime lætantur.*" Sir, it may be asserted that such duplicity prevails in every department of life where competition is awakened. I admit the fact, but our object should be, desiring to shield our clergy from obloquy and temptation, to remove every inducement to the practice of such disgusting disguise from the holy profession to which they belong. But, Sir, the contrary is the case; Ministers find it convenient to have clerical as well as other dependents, and the interests of religion are postponed and superseded. Sir, it is not my purpose to repeat ribald invective, or to give currency and circulation to irreverent animadversions, but in temperate language to direct the attention of the House to painful truths. Three rich sees lately became vacant. What did people say on the occasion? Did they point out any eminently pious men as well fitted to fill the vaant benefices? No; the expression was (and it cannot be denied that it was almost universal), how fortunate the Ministers are to have such a mortality of bishops at such a crisis! "Dr. A. is a staunch Liberal; he will, of course, have Durham." "Dr. B. is to have one of the vacancies," says a politician to his friend. "Is he a good man?" "An excellent man; he is a most accomplished theologian, an exemplary clergyman, and is truly beloved throughout his district. 'When the eye saw.'" "Ay ay, I understand all that; but is he a good man—is he a good Whig—will he vote for the Irish Corporation Bill?" Another individual was pointed out to me as an excellent bishop for a Conservative! Does it not seem, then, that our bishops are created and promoted, not in primary reference to Christian virtue, but to political effect—not with respect to their merits as Ministers of the Gospel, but to their services as obsequious senators Sir, the whole constitution of our hierarchy and Church polity is defective and unsound and demands, not palliatives, but complete renovation; and my great objection to the noble Lord's Bill is, that it retains every vicious practice in the Establishment, under the specious garb of mitigation. Non-residence is blamed and sanctioned; the principle of pluralities is maintained; the evil of translations is little remedied; the extravagant scale of the incomes of the Archbishops and bishops scarcely reduced; and the crying anomaly of the session of bishops in Parliament is left untouched. But, Sir, the appalling shouts of "Question!' uttered on a recent occasion still ring in my ears, and from deference to the House I must shun that point, though my argument is shackled by its relinquishment. It is satisfactory, however, to reflect that this being no party question, its decision will be governed by higher motives than political considerations, and in submitting my amendment to the sentence of the House, I beg to state that the proposition has not emanated from a spirit of cavil, or from a frivolous love of change, but from the maturity of deliberate and conscientious conviction.

Mr. *Ewart* seconded the amendment. He most cordially concurred in the views entertained upon this question by his hon. Friend. The noble Lord had spoken of a system of equality being established. He could not see any equality in a system in which the revenues of the bishops so much varied—the differences existing in the incomes of the bishops were, in his opinion, so many steps in the ladder of ambition. If they did away with translations, there would be no longer temptations to ambition in the Church. He objected to this measure, because it provided for the great aristocracy of the Church, instead of providing for the democracy in the Church. They were enlarging the ornaments of the edifice, when they ought to be extending and strengthening the foundation. It was his opinion that the system of patronage, now existing in the church, produced a bad moral effect upon the people. The ambition, too, that prevailed in the Church was likely to shake the confidence of the people in the Established Church. With respect to translations it was to be remarked that the majority of those belonging to the Church were opposed to it and Doctor Burton, of Oxford, declared that he never yet had found a single clergyman who was an advocate for translations. He confessed that he could not consider the measure then submitted to them as a measure of real Church Reform. They ought to look more to the democracy of the Church than they had done—they ought to seek to make them more like the clergy of the Scotch Church—they ought to have them more accustomed to the habits of the people—to live for the people—to work for the lowest, and yet not sever themselves from the highest. He trusted that the Bill would not again come before the House without embodying in it a full measure of reform.

Sir *Love Parry* could bear testimony, as the Representative of a Cathedral district, that the Bishop of the diocese, although the income of the See did not exceed 3,800*l.* had expressed his desire not to be translated to any other See. He also knew of another instance, in which a right reverend Prelate had expressed a similar wish, though he was not at liberty to mention the circumstance more particularly. He apprehended no doubt could be entertained that it would be a great advantage, when a Bishop was once appointed to a diocese, that he shuold continue to remain in it. He by no means objected to the principle of the orking clergy being better paid than they were at present.

Mr. *Wason* observed, that if all the patronage now in the hands of the Bishops were placed in the hands of Commissioners, a fund would be provided sufficient to increase small livings and for the building of Churches. He could not see why this ought not to be done. The next presentations to livings in the gift of the bishops could be as well disposed of as those in the gift of the corporations. The bishops said their incomes varied from 4,000*l* to 5,000*l.* a year. For a bishop, he thought, 4,500*l.* a year ought to be sufficient. The extra 500*l.* a year would form a surplus, from which spiritual aid might be provided for 136,000 of the King's subjects. He thought they ought not to proceed farther with this Bill. It was, in his opinion, impossible for the House to give to it at this period that attention which the country demanded.

Mr. *Harland* observed, that the Bill proposed to them was founded on three reports, and they had only two of those reports before them. Under these circumstances, he thought the Bill ought to be postponed to the next Session. The principle of the Bill was, to provide from a surplus, not for the wants of the poorer clergy, but to increase the incomes of the smaller bishoprics. He objected to the Bill on that principle. It was proposed to take a large sum of money from the Diocese of Durham, while it was proved, that in that very diocese, there were 136 livings under 300*l.* a-year. He hoped the House would not sanction the taking away 10,000*l.* a-year from the diocese of Durham, until the spiritual wants of the people of that diocese were fully provided for.

Mr. *Hume* wished to enter his protest against this Bill, at the same time he was not at all desirous to stop; because, so far as it went, it was good. He protested, however, against it as a settlement of the question. It was allowed that the deans and chapters had enormous incomes, and, in connexion with that fact, he thought they were bound to consider how they could deal with the question of Church-rates. Having passed a vote that they would not allow sinecures in the army and navy, he did not know why sinecures should be permitted to continue in the church. As his Majesty's Government had pledged themselves to a reform as to Church-rates, the public expected and hoped they would have the courage to make such a proposition. That House would support them. He recommended them to pursue this course, for there was no subject more important than that of Church rates. He could not take up a newspaper in which a reference was not made to this subject. He thought that no man could for a moment entertain the notion that Church-rates would be voted out of the consolidated fund. Every day the feeling respecting Church-rates was becoming stronger, and he assured his Majesty's Ministers, that neither could Church-rates be paid out of the consolidated fund; nor was it possible to go on with them, as at present. Why not provide for Church-rates out of the sinecures of the Church? He did not wish to take anything away from the Church, but he wished the amount of those sinecures to be applied to the support of the Church. The noble Lord stated, he wished to continue the connexion between Church and State. Unless the noble Lord put an end to Church-rates, questions would be constantly arising which would risk that connexion. It was to be remarked, that the revenues of the bishops were not simply from 4,000*l.* to 5,000*l.*; but a bishop, by the patronage in his power, could provide for all his relatives in the male and female line. Great as had been the complaints against the Church of Rome, he believed that in that Church there never had been so much attention paid to the distribution of the property of that Church, as there was at this moment in the Established Church. He could not allow the Bill to pass without entering his protest against it. He believed that if more were not done as to Church reform than what was accomplished in this Bill, the question would continue to agitate the country for a considerable number of years.

Sir *Robert Peel* said, upon the proposal of the noble Lord to go into Committee, a motion had been made and seconded, to prevent the translation of bishops. The hon. Gentlemen who proposed and seconded the amendment, confined themselves strictly to the merits of the amendment. All the other hon. Members who supported the views of the Mover and Seconder had rather strayed away from the amendment in their remarks. With respect to the see of Durham, as he did not perceive that it had any necessary relation to the question now before the House, he could not discuss it at present. He thought, however, that before the motion was debated further, it would be very convenient to know whether the hon. Member intended to press his motion to a division or not. In case he did, he thought the best form he could take would be as an instruction to the Committee; it would be advisable, however, that the House should be assured upon this point, in order that it might know how to proceed. [Mr. *Lushington* meant to press his motion to a division.] In that case he should certainly support the Bill of the noble Lord, because he cordially approved, in the main, of the principle upon which it was framed. Throughout the whole of the labours of the commission upon whose report this Bill was founded, political views appeared to have been carefully excluded, in the laudable desire to extend the sphere of usefulness of the Church to the furthest practicable limits, and in so doing to attach the hearts and feelings of the people to the Church establishment of this country. He did not believe that there were any sincere friends of the Church more desirous to clear it from its imperfections, and to promote its usefulness, than the bishops who composed the late Ecclesiastical Commission. The whole conduct of those rev. prelates, showed how desirous they were to give practical efficacy to remedial measures; and as one of their first steps, they unhesitatingly followed the example which had just been set them by the then Ministry, and relinquished a large share of patronage in order that it might be applied to purposes of general utility. The hon. Member for Liverpool, in the course of the present debate, had endeavoured to raise a distinction between what he was pleased to term the aristocracy and the democracy of the Church. The hon. Member seemed to assume, that clergymen in the lower stations of the Church had no interest in the emoluments attached to the higher preferments. That was a position which he (Sir R. Peel) must deny. He maintained, on the contrary, that by upholding the dignity and the emoluments of the higher offices in the Church, they were also defending the interests and the rights of the so-called democracy of churchmen. Let the hon. Member look to the first five names attached as signatures to the report of this Commission. The first name was Dr. Howley, the Archbishop of Canterbury, the second Dr. Harcourt, Archbishop of York; the third Dr. Blomfield, Bishop of London, the fourth was the late Dr. Van Mildert, Bishop of Durham, and the fifth, Dr. Sumner, Bishop of Winchester. When they read the names and recollected the history of those pious men, who had risen by the force of their own merit and great learning to the highest dignities in the Church, could the House require any argument to show that there was no distinction between the democracy and the aristocracy of the Church. By maintaining those high places, he was holding out, he thought, a stimulus to the emulation of the clergy at large, and a reward for distinguished merit or extraordinary service. By that means, too, they were encouraging a very laudable and a cheering spirit of ambition amongst them. No doubt considerable irregularity existed in the emoluments of the different bishoprics; but he apprehended that, from the peculiar usages and customs in different Sees, and the difference in expense attendant upon them, that inequality was less in reality than was generally reported. To put the see of Durham, for instance, on the same footing in point of revenue with the See of Chester, might apparently be to put them upon an equality, but in reality would result in a gross inequality between them. But there was another point of view in which he thought this subject should be considered. It appeared to him, that by allowing of some degree of inequality between the different sees, they would assimilate the Church Establishment in some degree to the other civil institutions of the country, and with an evident advantage to the Church and to the country itself. Certain he was, that the system of unequal division had not been countenanced, either by preceding Governments or the present Government, with any view to influence the bishops in their political conduct by the hope of promotion. The hon. Gentleman spoke against the propriety of holding out an object of ambition to the bishops. Now this involved a question of great importance, which ought not to be hastily decided—namely, whether the bishops ought, or ought not, to be wholly excluded from all participation in political matters, and all share in the management of the civil affairs of the country. For his own part he was free to declare that he believed, that on the whole it was of great advantage to the country that the bishops were permitted, under certain restrictions, to take part in the general affairs of the community. A class of ecclesiastics, totally disconnected from all concern in civil affairs, and altogether removed from politics, would form an infinitely less enlightened, and an infinitely less liberal body of men in every respect; with less capacity for the religious duties of their station, than our present clergy. The hon. Gentleman had further complained, that the Government in power for the time being, always selected their own friends for promotion to a vacant see. Now that appeared to him to be a very natural consequence as long as parties in power had the choice in such matters. Yes, he maintained that it was a very natural, and he did not think a very blameable course of proceeding, at least he felt pretty confident that if his Majesty's present advisers had acted upon a different principle, when occasions offered to them for selection—if, for instance, they had chosen a person to a vacant see who was known to be opposed to their views in politics—the Government would have had to listen to a very severe lecture from their friends. Whilst, therefore, on the one hand, he maintained that these preferments were not made use of as the reward for apostacy, or as inducements for the avowal of a particular set of opinions; on the other hand, it was equally clear to him, that if once the propriety of admitting the bishops at all to participate in the political affairs of the country was admitted, it must be a natural and inevitable consequence that those persons would be selected for promotion to that sphere of political action, who were supposed to be most likely to support, by their voice in the assembly of Parliament the views of those who placed them there. With respect to the Bill now before the House, it was undoubtedly a great measure of reform, and one the more likely to be of permanent utility, because it had, to a great extent, been brought about through the cheerful co-operation of the ecclesiastical body themselves, and because it had been framed with a friendly regard to the safety of the whole Church Establishment. There was no desire on the part of the Church to maintain the system of pluralities; at the same time the necessity which every one must be aware of, of providing for the duties of certain smaller livings, must render it impracticable entirely to abolish pluralities. He believed that the point to which the present Bill went in that particular, was the utmost extent which, with safety to the Church Establishment, could be attempted. The House would observe, that there was to be a surplus raised by the Bill, which was to be applied in aid of the smaller livings; and although this principle might not be carried out to the full extent some hon. Members might wish, he trusted they would not on that account oppose the Bill, the passing of which, he thought, would operate as a great practical advantage both to the Church and to the country at large.

Mr. *Lennard* complained that the Bill only provided one course of proceeding against a clergyman for non-residence—namely, at the hands of the bishop, or at least through his permission. He hoped that in Committee the Bill would be altered in this particular, so as to give any one who thought proper, the right of proceeding against the clergyman in such case.

Sir *Robert Inglis* said, that the hon. Member who had seconded the motion had alluded to a Bill which had been introduced in the year 1701 upon the same subject, and which had not passed in consequence of its containing a clause relating to Mayors and Aldermen. It was very true, that this Bill, even with the proposed amendment, would not be open to the same kind of objection. But (to speak seriously), he trusted that it would equally fail. To the Bill itself, indeed, he retained all his objections, though he would not now repeat them; but would confine himself to the single question raised by the amendment. The hon. Members for Ashburton and Liverpool, had, indeed, in defiance of the precept and example of the right hon. Baronet, gone from the intentions of the noble Lord, by wandering into details which had nothing to do with the question, and which might be better discussed in Committee. With respect to the amendment, the only point now at issue, he must say, that he was opposed to those who were desirous of abolishing translations. Looking at the state of the Church in this country, and its constitutional share of civil power,—looking also at the very different measures of episcopal duty attached to different sees; he thought it not unfitting that prelates should occasionally be tried in inferior dioceses before they were placed in the higher. The principle was, indeed, admitted by the Mover of the amendment, because he himself excepted some sees. He maintained, that upon an estimate made of all the translations which had taken place for a long period, they had been in favour of what had been called the democratical part of the clergy. He might add, that, whoever might be the persons translated, the expense of maintaining such establishments as were necessary for Lambeth, Winchester, Worcester, and Carlisle, with the expenses of episcopal residences, and the expense incurred upon translation, often a whole year's income, would prevent their being too frequent, and happening occasionally, he thought it was not so serious an evil as those which might arise after the abolition of the practice.

Mr. *Arthur Trevor* should certainly vote against the motion of the hon. Member for Ashburton. At the same time he would add, that for his own part he thought it extremely desirable that all legislation on this subject should be deferred to a future Session, in order to give time to the Members of the House to confer with their constituents on a subject so very important to the whole community. The hon. Member then defended the practice of translations, as a great advantage to the zealous performance of the duties of the Church—provided they were not so frequent as to render the Bishop indifferent to the charge in his hands. When he looked at the duties of the Archbishopric of Canterbury, for instance, he did believe that they were of a nature involving such manifold difficulties and such responsibility, as would render it extremely hazardous, to place that see in the care of any one who had not had the greatest possible quantity of experience that could be acquired. He thought, moreover, that it was a prerogative very properly belonging to the Crown, to reward signal merit and ability by such promotions, and he could never consent to abolish this practice, because he believed that by so doing he should be going a step towards destroying the connexion between Church and State which existed at present, and which he could never consent to see done away with.

Viscount *Ebrington* did not entertain the same desire to have the Bill postponed as had been evinced by the hon. Member for Ashburton. He would not postpone the advantages that the Bill promised, more especially as they were likely to have the concurrence of the other branch of the Legislature. He thought some alterations might, however, be made in Committee; and although no one entertained stronger opinions of the impropriety of the present disparity in ecclesiastical revenues, he did not think that he could, under any circumstances, go the length of the hon. Member for Ashburton, who so entirely restricted the translation of the bishops as not to allow the elevation from the bench to the Archiepiscopal see.

Mr. *Fowell Buxton* said his complaint against the Bill before the House was, that it did not go far enough. If a reform of the Church was intended, a more substantial measure was necessary. The right hon. Member for Tamworth had assigned as a reason for supporting the Bill, that it was in conformity with the report of the Commissioners; but he (Mr. Buxton) disapproved of it, because it was not in accordance with that Report. He should be guilty of great injustice if he did not state, that the person who drew the report appeared to be actuated by a desire to effect a reform of the establishment; but what he complained of was, that the most important points brought under notice by the Report were not touched upon in the Bill, and had hardly been alluded to by the noble Lord who brought forward the measure. The first important fact stated in the Report was, that there were 3,500 livings with salaries under 150*l.* a year, that there were 2,000 livings with salaries under 100*l.* a year, and 300 livings with salaries under 50*l.* a year, the incumbents of which were, from poverty, unable adequately to discharge their duties. The Bill proposed to apply no remedy to this state of things. In the second place, very important information was contained in the following passage in the Report of the Commissioners;—"We regret to state that a vast proportion of the people of this country are left destitute of the opportunity of public worship and religious instruction." These appeared to him to be points which merited prompt attention, and the application of an immediate remedy. When it was stated, not by the foes of the Church, but by five of its bishops, that a vast portion of the people were destitute of the opportunity of obtaining religious instruction, a case was made out which required immediate consideration. Not a syllable, however, was contained in the Bill relative to the first point—namely, the small stipends of the working clergy. [Lord *John Russell*: that will be the subject of another Bill.] He was aware of that, but if that Bill should pass, the working clergy would still be inadequately provided for. Before the House consented to assign the sum of 15,000*l.* to the Archbishop of Canterbury, 10,000*l.* to the Bishop of London, and 8,000*l.* to another Prelate, they ought to assure themselves that they would have money enough left to make the provision which was necessary for the inferior clergy. He did not grudge the Bishops their income, and was sure that no set of men spent their money with so much advantage to the public as they did, indeed in all their dioceses they were liberal beyond their means, and if the plain and simple question presented itself—should their income be reduced? he would vote in the negative. Another question, however, occurred, what was to be done with the working clergy who were admitted to be in a state of destitution? He would not say that the income of 15,000*l.* a year, proposed to be assigned to the Archbishop of Canterbury, was too much or too little; but he wished the House to take into consideration at the same time, that there were 300 of the working clergy, whose united incomes did not amount to the sum of 15,000*l.* a year. What was required from clergymen whose income was 2*s.* 8*d.* or 2*s.* 9*d.* a day? In the first place they were to acquire an expensive education, equal to that required for the very highest order of clergy; then they were to give up the whole of their time to the holy functions of their office; and lastly they were expected, upon this miserable allowance, to keep up the character and appearance of gentlemen. He had recently read the report of a society having the benevolent purpose of affording relief to distressed clergy; and when he noticed with what heartfelt thanks trifling sums of 5*l.* and 10*l.* had been received, it convinced him what real objects of commiseration there must be amongst that class of persons. Another report which he had read, and which he was almost ashamed to allude to, called for contributions of cast-off clothes, which it appeared were gratefully received by these meritorious and ill-paid individuals. There was a remarkable passage in the Report of the Ecclesiastical Commissioners, and which he did not think had been sufficiently met in the present Bill—namely, that there were whole districts throughout the country in a state of total privation of religious instruction. He thought that, as long as such a state of things existed, the House should hesitate before it provided for the dignity, or supported the superfluities, of the Church Establishment, and neglect to do what it could towards supplying what was necessary for the religious instruction of the community. There was the greatest disproportion between the population and stipends of the clergy in various districts throughout the country. Much complaint had lately been made of that clause in the Irish Church Bill, by which the income of the clergy of that Church was proportioned to the members connected with it in each parish. Now he ventured to say that if the principle of that clause were adopted with respect to the English Church, the effect would be to double the stipends of upwards of 2,000 individuals. He could not help thinking, that after the obvious defects of this Bill had been pointed out, it would be advisable to limit its operation to a twelvemonth. Another Bill might then be framed by the Government; they taking as their guides and landmarks the two important facts, that there was a vast portion of the population destitute of instruction, and a great proportion of the clergy with scarcely any remuneration whatever. The large incomes of the Bishops should be cut down, in consideration of the wants of the Church; and the main principle of the Irish Church Bill should be applied to the Church of this country—namely an apportionment of stipend in accordance with the duties which were to be performed by the clergy. It was commencing at the wrong end to make a provision for the bishops before all other considerations. The lower order of the clergy should first receive an adequate remuneration, and then the attention of the legislature should be directed to some better regulations for affording spiritual instruction in the large, and at present destitute, districts. He felt the more strongly on this part of the question because he had been told that there were in a district in London with which he was acquainted 70,000 persons, for whom no religious instruction was provided. He had inquired into the truth of this statement, and he ascertained that, making every conceivable allowance, there were 60,000 persons who could by no possibility, and upon no emergency of circumstances, receive any religious instruction. He thought, then, that the desirable objects which he had pointed out might be fully accomplished by the reduction of the incomes of the Bishops, and by private and public subscriptions. As he had already said, he was willing to give the members of the Commission credit for a conscientious conviction that in the reforms which they proposed they were consulting the best interests of the Church; but there was one recommendation made by them to which he could not extend that expression of approval, and of which he felt bound to complain. He alluded to the assignment of salaries to the Deans and Canons. Now, the Dean of Chester was to have 440*l.* a year, and the Canon 187*l.*; whilst the Dean of Durham was to be allowed 4,594*l.* a year, and each of the Canons 2,000*l* a year. In other words, a Dean of Durham was made worth ten Deans of Chester, and a Canon of Durham equal to a dozen Canons of Chester. It was, in his opinion, very unjustifiable that such anomalies as those to which he had referred should be suffered to exist, whilst there were large districts completely unprovided with spiritual instruction. There was another point to which he wished to address himself. He considered it undoubtedly important that the salaries of the bishops and clergy should be determined upon; but he looked upon it as a matter of still deeper concern to decide who should be appointed to a bishopric or benefice. He did not agree with the right hon. Baronet (Sir R. Peel), that politics ought not to be excluded when the choice of a bishop was to be made. Neither did he think that promotion in the Church ought to depend on connexion with some noble family, or on the political aid which was afforded in some parliamentary struggle, or on the circumstance of an individual happening to be a tutor to some member of the Cabinet; for a man might make an admirable tutor, and yet be a very poor clergyman or Bishop. None of these considerations should be made the sole test of a person's qualification for such offices; but the man of most merit produced by the country, whose heart was evidently in his profession, and who showed his trustworthiness by devotion to his duties in the subordinate offices which he might have filled; who, in the state of his parish, of his congregation, and by his exertions in establishing or promoting schools in it, gave evangelical proofs of his zeal and fidelity; such a man deserved, and ought to receive, promotion. He begged in what he had stated not to be understood as alluding to any modern appointments. As to what was said of danger to the Church, his object in giving the suggestion which he had offered, and he hoped the view entertained by the Government, was not to introduce measures of Church reform, which were intended to make Dissenters Churchmen, or to convert Catholics to Protestantism, but to advance the progress of real religion. Ministers, by persevering steadfastly and unflinchingly in such a course, would place the moral stability of the Church in greater security than if they resorted to all the penal enactments which the invention of man ever discovered or put in force for its defence. Though he was willing to believe that the Commissioners desired to effect a reform in the Church, yet he could not shut his eyes to such a fact as that to which he had referred—that there was a bishopric with 15,000*l.* a year, and that some of the clergy had less than 50*l.* a year. He warned the Government and the House against the effects of tardy legislation where a grievance existed and called for prompt redress, such a system as that which, by procrastination, had lost America. An insignificant dispute about a few pounds of tea — a mere question of Excise—lost England thirteen provinces; they offered terms and were contemned; next England offered them—and was contemned in turn. Again, with Catholic Emancipation—how easily might Ireland have been conciliated at an earlier period? Subsequently England conceded all the Irish sought—and perhaps more—but again it was "too late." So with Reform—remember East Retford; how much would the legislature not afterwards have given to have been able to retrace that mistaken and ill-judged step of refusing its forfeited franchise to disfranchised Birmingham:—but, again and again, concession came "too late." Were these lessons already forgotten—or were further lessons required in this school of tardy concession?

He said be wise in season—and if they would unfortunately determine to delay the real reform of the Church for a much longer period, he greatly feared that the consequence (which he for one did not at all desire) would soon follow—that it would be reformed with a vengeance.

Mr. *Goulburn* observed that the hon. Member for Weymouth had dwelt much on the necessity of reducing the incomes of the Bishops. He supposed the meaning of his argument to be, that the livings of the Church should have no adequate incomes attached to them. The hon. Gentleman had also omitted to state that 150,000*l.* had been taken from the higher livings and sinecures of the Church, in order better to provide for the religious instruction of the people. He did not see that there was any tenable ground of objection to this measure, which went a great way to remove all existing evils, and which had received the sanction and approval of the heads of the Church, who had expressed their approbation of its provisions in a spirit which called forth unmixed praise from all. With regard to what had been said by the hon. Gentleman as to the circumstances which were considered, in the hon. Gentleman's opinion, essential to advancement in the Church, he did not hesitate to say that there were no Bishops of any Church, no matter how selected, who were more free from the imputation of having attained to their station through political influence, or who were more remarkable for their attachment to their religious duties than the Bishops of the Church of England. He also challenged the hon. Gentleman to point out a single name in the list of Deans, who, as well as the Bishops, did not owe their elevation to rank or station, to their high attainments, the excellence of their characters as religious men, and the extent of their learning, literary, scientific, and religious. The proposition, however, which filled him with most astonishment, in the observations of the hon. Gentleman, was his recommendation that the operation of the present Bill should be limited to one year. What object could there be in making the experiment of altering all the incomes of those who belonged to the Church, if, at the end of a year, they were again to receive their present incomes? The hon. Gentleman certainly selected a somewhat strange mode of proving the desire which he expressed of giving relief to the distressed population, and supplying the wants of the poorer clergy, by proposing that a measure, and which would in a great degree effect both these objects, should be changed upon the expiration of a year. If he thought that there was another arrangement required for promoting still further than the present Bill the instruction of the destitute classes he would still give his ready assent to the present measure, which had been approved of by the heads of the Church, and which exceeded the expectations of all those whose object was to reform and not destroy the establishment.

Mr. *Poulter:* Sir, I consider that this Bill, if fairly and justly worked out, will be one of the most beneficial ever presented to the Legislature. I have for the Established Church as a body the greatest respect and veneration; if I had not I should be one of the most ungrateful of human beings; my education, my early connexions, lead me to entertain these feelings towards the episcopal institutions of this country, and towards all the ministers of that Establishment; so that, however in other respects hon. Gentlemen who have spoken upon this question may be greatly my superiors, none can claim more integrity of motive than I can. But it is now universally felt, that the extent of some of the emoluments and preferments of the Church are injurious to its true interests, and that it is not required for its true interests that the heads of that Church, its Bishops and Archbishops, should resemble more temporal princes than spiritual overseers. They deserve, and ought to possess, that degree of wealth which on a fair and moderate calculation may be found to be sufficient for supplying all the necessaries, the comforts, and enjoyments of life, and for enabling them to exercise those charities which adorn the dignity of their station. And my hon. Friend on my left, the Member for Weymouth, did not, as the right hon. Member for Cambridge University imputed—very unfairly, I think, to him—my hon. Friend said nothing against episcopal institutions,—he raised no objections to the Bishops,—he has declared himself favourable to those institutions; and all for which he contends is, that while they are fairly and justly provided for—which he desires to see—due regard be also had to the inferior clergy of the Church, in which I entirely concur with him, though there may have been parts of his speech with which I could not equally agree. But though I consider that upon the whole this Bill will operate beneficially, there are some conclusions to which the Commissioners have arrived, which if adhered to, will, in my conscience, I believe, do any thing but promote the real interests of the Church. One of the first conclusions to which they have come is, that the whole of the episcopal property of the Church must necessarily be absorbed in providing adequate incomes for the Bishops and Archbishops. Why do I regret this? Because, in contemplating the state of the different dioceses, I see no sort of proportion between the benefices and the population. In the dioceses, for instance, of Norwich and Oxford, the proportion is one benefice to a population of five, six, or seven hundred, while in the dioceses of London and Chester, the ratio is one benefice to a population of five, six, or seven thousand. I see in this statement reason to apprehend, not the future prosperity but the decline and decay of the Establishment in this country; and whether that decline or that prosperity shall really take place, will depend, I believe, mainly upon the manner in which this state of things is dealt with, or suffered to remain. I repeat, you must connect the Established Church of this country with the population; on that connexion depends its decline or prosperity. It is upon this subject especially, if upon no other, that the simple Rule of Three may be made good. The question only is, What is the population? and then according to that population must be the number of your benefices. Upon the subject of religion, as an exception to most others, the poor, the humble, and the destitute, are principally to be considered. But my regret at this recommendation of the Commissioners is considerably increased by another circumstance. I find in the Report that they calculate the value of the revenues of the Church at a three years' average. I can show that such an average will not give you the fair value of that property. For instance, as regards fines, it is notorious that an average of the amount paid in that period of years will by no means give you a fair estimate of their value. I will instance one case, in which the amount paid in fines for three years being 9,400*l.*, the average of course for that period would be 2,000*l.* Now in one year alone, the very distinguished person to whom I allude, the Archbishop of York, received, in one fine, in this case, the sum of 30,000*l.*, or thereabouts. In another case—that of the Prebend of Langton, Lincolnshire, Dr. Maltby, received, in one fine, the sum of 35,000*l.* How is it possible that in such cases a three years' average will give the real value of the revenues of the Church? The same remark would apply to other cases to which I will not advert. I return to my former observation, and I ask, can the Commissioners really, conscientiously, say, that it is more for the benefit of the Established Church that the Archbishops and Bishops should have such sums as 15,000*l.*, 10,000*l.*, 8,000*l.*, and 7,000*l.*, than that less sums should be given them, and the remainder appropriated to the religious instruction of populous and unprovided-for districts. I may also observe, that the alteration from a paper currency to a metallic currency should be considered as having improved the value of the episcopal incomes. It appears to me, that the most reasonable mode of effecting the object of the Bill would be to place all the episcopal property in the hands of an ecclesiastical trust, which should receive all the funds of that property, pay the Prelates certain salaries, and retain the surplus in their hands. In this method, by removing the Bishops from any control over the estates, we should prevent the possibility of an old Bishop being imposed upon, by being compelled to take a fine less than the real value of the estate entitled him to; and, on the other hand, we should prevent a young Bishop from receiving more in the way of fine than he had a right to receive. We should also prevent all that jobbing and that bickering between the clergy which are now unhappily so prevalent. I should undoubtedly object to the principle of appropriation as applied to the Church of England; but I do say, that if a petition should be presented, for instance, from the county of Durham, setting forth the great want of a spiritual ministry in that district, and the enormous surplus revenues of the see of Durham, and praying that a portion of those revenues might be set apart for the purpose of extending the benefits of religious instruction to the destitute population of the county, I should be inclined to assent to that prayer. You must make your Church connected with your people. The Church against which you especially protest, understands this principle; and she has always connected herself with the very lowest of the population. You must not be satisfied with raising splendid Grecian or Gothic edifices, ornamental as they are, and honourable to the civilization and the taste of a country,—you must be content to build with brick and wood in this work. You must build churches for the accommodation of the poorer classes; you must give the poorer classes of your population the opportunity of obtaining all the spiritual instruction which your Establishment will afford them. The Dissenters have been created by yourselves. I have often said to a Dissenter, "You owe your very existence to the Established Church." They owe their existence to neglect of the abuses of the Church. For that Church, as I said at the commencement of my speech, I have the greatest respect, but I am bound honestly to state my views as to that which I believe essential to her future prosperity; I will only add, that I think it will be necessary to make some alteration in the Commission. It is impossible that the noble Lord, the Home Secretary, and the Chancellor of the Exchequer, can, with all their heavy duties, attend to the deliberations of the Commissioners. Let there be an addition, then, to the Commission, not only of laymen, by the ministers of the Church, the inferior orders of the clergy, as well as Bishops and Archbishops; men who take comprehensive and sensible views, and who, without any wild, innovating notions, will have at heart the true interests of the Church. There is too much talk in this House about friendliness to the Church. I do not question the sincerity of these professions, either on the part of Government or of hon. Gentlemen opposite; but I wish to see more of the enlightened realities of true friendship to the Establishment,—a disposition to carry into their full operation just principles with regard to it. I conclude, Sir, by expressing one principle, which appears to me, as I have before said, essential to the prosperity of the Church: Where your population is, there let your Church be also.

Mr. *Charles Buller* took the same view of the subject that had been taken by the hon. Member for Weymouth, and maintained that the Bill was miserably deficient as a measure of Church Reform. There was throughout the country, a strong, earnest, and sober desire for the Reform of the Church; and the people would never be satisfied till such a Reform was effected. As to what the hon. Gentlemen on the other side of the House called the great prizes of the Church, and lauded as such, they were, in his opinion, great sources of political jobbing. What was the cause of increase of dissent? In what part of England was the greatest proportion of Dissenters to be found? In Cornwall. And why? Because in that county there were the greatest number of non-resident clergy, the working clergy were the worst paid, and the people were driven into dissent because they had not means of religious instruction. Of this he was sure, that when his constituents asked him what had been done by Parliament on the subject of Church Reform, they would be far from satisfied on learning that nothing had been done for the working clergy, for whom they had wished everything; and that everything had been done for the higher clergy, for whom they had not wished for anything. He would most cordially support the proposition which had been made by the hon. Member for Ashburton. As to the Bill, in his opinion, it would be much better to withdraw it; and by the next Session his Majesty's Ministers might, perhaps, be able to prepare a Bill which would prove a real and permanent measure of Reform of the Church of England.

The *Chancellor of the Exchequer* said, that undoubtedly the withdrawing of the Bill might lead to this advantageous result, that it would give the hon. Member an opportunity of rendering himself acquainted with the Report of the Commissioners, and the measure founded upon it, which it was evident he had not yet read. If the House were to be guided by the statement of the hon. Gentleman, they would believe that the only object of the Report and the Bill was to place the lower bishoprics on a level in point of emolument with the higher. Now that was not a candid statement. It kept out of sight the fact, that the Bill restored a number of benefices which were at present held *in commendam* to the working clergy. It enacted also that all that remained after duly providing for the Cathedral services should be applied to the general diffusion of religious instruction. He rejoiced that such a measure, enforcing such a system, had been introduced into Parliament with the consent of the high authorities of the Church. As to the proposition made by the hon. Member for Ashburton, he could not help thinking, that whatever might have been said in favour of that proposition, if the bishoprics had been allowed to remain of very unequal value, all the arguments urged against translations, ceased to apply when a measure was before the House, one of the objects of which was to bring the various bishoprics to as near a state of equality as possible.

Mr. *Lushington* said, he should nevertheless persevere in his amendment.

The House divided on the original question: Ayes 124; Noes 44—Majority 80.

List of the Ayes.

Adam, Admiral
Arbuthnot, hon. H.
Ashley, Lord
Barclay, David
Baring, F. T.
Baring, F.
Baring, W.
Barnard, E. G.
Bateson, Sir R.
Beckett, Sir J.
Bentinck, Lord G.
Bentinck, Lord W.
Blackburne, I.
Brownrigg, J. S.
Burton, Henry
Buxton, T. F.
Chapman, Aaron
Chisholm, A.
Corry, hon. H. T. L.
Denison, J.
Dillwyn, L. Weston
Donkin, Sir Rufane
Dundas, J. D.
East, James Buller
Eastnor, Viscount
Ebrington, Lord
Egerton, Sir P.
Elley, Sir John
Elwes, J.
Estcourt, T. G. B.
Estcourt, T. S. B.
Euston, Lord
Fergusson, rt. hon. C.
Finch, George
Fitzgibbon, hon. B.
Fitzroy, Lord C.
Follett, Sir W. Webb
Forbes, W.
Forster, Charles S.
Fremantle, Sir T. W.
Geary, Sir W. R. P.
Gordon, Robert
Goulburn, hon. H.
Graham, rt hon. Sir J.
Grey, Sir George, bt.
Hale, R. B.
Hamilton, G. A
Harcourt, G.
Hardy, J.
Hawkins, J. H.
Hay, Sir A. Leith
Henniker, Lord
Herries, rt. hon. J. C.
Hobhouse, rt. hon. Sir J.
Hodges, Thos. Law
Hogg, James Weir
Howard, P. H.
Hoy, J. B.
Inglis, Sir R. H., bart.
Jervis, John
Jones, W.
Jones, Theobald
Kearsley, J. H.
Knatchbull, Sir E.
Knox, hon. J.
Labouchere, H.
Lefevre, C. S.
Lincoln, Earl of
Longfield, R.
Lushington, Dr.
Lygon, hn. Col. H. B.
Mackenzie, J. A. S.
Marsland, Thomas
Maule, hon. Fox
Maunsell, T. P.
Moreton, hon. A. H.
Mostyn, hon. E. L.
Murray, rt. hon. J.
Neeld, J.
Nicholl, Dr.
O'Loghlen, M.
Paget, Frederick
Palmer, George
Parry, Sir L. P.
Peel, Sir R., bart
Pelham, hon. C.
Philips, G. R.
Plumptre, John P.
Plunkett, R.
Pollock, Sir F.
Praed, Winthrop M.
Price, S. G.
Pusey, Philip
Rice, rt. hon. T.
Rolfe, Sir M. R.
Rooper, J. Bonfoy
Ross, Charles
Rushbrooke, Colonel
Russell, Lord John
Sandon, Lord
Sanford, E. A.
Scarlett, hon. R.
Seymour, Lord
Sheppard, T.
Sibthorp, Colonel.
Smith, Robert V.
Somerset, Lord G.
Spry, Sir S.
Stanley, Lord
Stormont, Lord
Stuart, Lord Dudley
Talbot, J. Hyacinth
Thompson, Alderman
Townley, R. G.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tynte, C. J. Keymeys
Vernon, Granville H.
Walker, C. A.
Walker, Richard
Williams, Robert
Wodehouse, E.
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Stanley, E. J.
Steuart, Robert

List of the Noes.

Attwood, Thomas
Bagshaw, John
Baines, Edward
Blamire, W.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brocklehurst, J.
Brodie, William B.
Brotherton, J.
Buller, Charles
Fellowes, N.
Ferguson, Sir R.
Fielden, J.
Goring, Harry Dent
Harland, W. Charles
Hastie, A.
Hawes, Benjamin
Hindley, C.
Horsman, Edward
Hutt, W.
Lambton, Hedworth
Lawson, Andrew
Lennard, Thomas B.
Lister, E. C.
Marsland, H.
Morrison, James
Mullins, F. W.
O'Brien, W. S.
Philips, Mark
Potter, Richard
Poulter, J. S.
Pryme, George
Robinson, George
Rundle, J.
Thompson, Colonel
Tooke, W.
Tulk, Charles Aug.
Wakley, Thomas
Wallace, Robert
Warburton, Henry
Williams, William
Williamson, Sir H.
Wilson, Henry

TELLERS.

Lushington, Charles
Ewart, William

On the Question being again put, "That the Speaker do leave the Chair."

Mr. *Arthur Trevor* expressed his regret that he must oppose the motion for the Speaker's leaving the Chair. He felt, however, that he had a duty to discharge towards the inhabitants of that diocese with which he was most connected, and towards the large body of the clergy of that diocese whose petition he had had the honour of presenting to the House. It was highly desirable that due time should be afforded for ample communications with those who were so deeply affected by the measure, and he had the satisfaction to know that in that view of the subject he should be supported by hon. Members who had a deeper interest in the question than he himself had. He would not enter at large into the subject. It was notorious that the Bill went to abstract a large annual revenue from the see of Durham, and did not confer any local benefit in return. Strongly opposed, therefore, to what he conceived to be an act of gross injustice towards his constituents, he would move, as an amendment, that the Bill be committed on that day six months.

Mr. *George F. Young*, as the Representative of a populous borough within the diocese of Durham, and one of those Members to whom an appeal had been made, must inform the hon. Member that he was not one on whose support the hon. Member could reckon. He took an enlarged view of the subject, and did not consider that the Bill only affected his constituents, but that it embraced abuses which had been long complained of in the Church Establishment.

Mr. *Lambton* said, that the Commissioners were not sufficiently aware of the nature of Church property in Durham; in fact the noble Secretary of State, to whom a deputation had gone up, had shown that he was unacquainted with the subject. He therefore was in favour of delay.

Sir *Hedworth Williamson* entreated the noble Lord to postpone the Bill till another Session; and in the mean time the clergy of the diocese of Durham would give every possible information respecting the spiritual state of that county.

Lord *John Russell* said, that the question involved the whole principle of Reform. If the House were to say, that the surplus of the see of Durham, the largest which the Church Commissioners were likely to have, should not be applied as they recommended, it would put a stop to the whole measure. Hon. Members had not adverted to the real question, which was simply whether this income should be taken away from the bishopric of Durham, to be applied to other bishoprics.

Mr. *Potter* wished the House to wait till it was ascertained what the other House of Parliament would do with the Irish Church Bill, and the Dissenters' Marriage Registration Bill, before it proceeded with this Bill.

Mr. *Wynn* protested against delay, as the Bill affected the interests of all the members of the Church of England, scattered over different parts of the country. He should, therefore, vote for the House immediately taking the measure into consideration.

The House divided on the Motion: Ayes 142; Noes 22—Majority 120.

List of the AYES.

Adam, Sir C.
Ashley, Lord
Attwood, T.
Bagshaw, J.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Balfour, Thomas
Baring, F. T.
Baring, W. B.
Baring, T.
Barnard, Edw. George
Beckett, rt. hon. Sir J.
Benett, J.
Bentinck, Lord G.
Bentinck, Lord W.
Bernal, Ralph
Blackburne, I.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Chalmers, P.
Chapman, A.
Chisholm, A. W.
Clements, Viscount
Cockerell, Sir C.
Codrington, C. W.
Denison, J. E.
D'Eyncourt, rt. hn. C.
Dillwyn, L. W.
Donkin, Sir R.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Elley, Sir John
Elwes, J. P.
Estcourt, T. G.
Estcourt, T. H.
Feilden, W.
Ferguson, Sir Rob.
Finch, George
Fitzgibbon, hon. Col.
Follett, Sir W.
Forster, Charles S.
Fremantle, Sir Thomas
Gladstone, Thomas
Gladstone, W. E.
Gordon, R.
Goring, H. D.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Graham, rt. hon. Sir J.
Grey, Sir G.
Hale, R. Blagden
Harcourt, G. G.
Hardy, J.
Hawes, B.
Hawkins, J. H.
Heneage, E.
Henniker, Lord
Herries, rt. hn. J. C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Horsman, E.
Howard, Philip H.
Jephson, Chas. D. O.
Jervis, J.
Jones, W.
Jones, T.
Kearsley, J. H.
Knightley, Sir Charles
Knox, hon. J. J.
Labouchere, rt. hon. H.
Lawson, A.
Lefevre, C. S.
Lemon, Sir Charles
Lennard, T. B.
Lincoln, Earl of
Lushington, Dr.
Mackenzie, S.
Maher, John
Maule, hon. Fox
Maunsell, T. P.
Mostyn, hon. E.
Mullins, F. W.
Neeld, J.
Nicholl, Dr.
O'Ferrall, R. M.
O'Loghlen, Michael
Paget, F.
Palmer, G.
Parry, Sir L. P. J.
Pechell, Captain
Peel, Sir Robert, bart.
Pelham, hon. C. A.
Pemberton, Thomas
Perceval, Colonel
Plumptre, J. P.
Plunket, hon. R. E.
Poulter, J. S.
Praed, W. M.
Pryme, G.
Pryse, P.
Pusey, P.
Rippon, C.
Rolfe, Sir R. M.
Rooper, J. B.
Ross, Charles
Rundle, J.
Rushbrook, Colonel
Russell, Lord J.
Sandon, Viscount
Sandford, E. A.
Scarlett, hon. R.
Seymour, Lord
Sheppard, T.
Smith, R. V.
Somerset, Lord Geo.
Stormont, Viscount
Stuart, Lord Dudley
Talbot, C. R. M.
Talbot, J. Hyacinth
Talfourd, Mr. Serg.
Thornely, T.
Trewlawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Vivian, J.
Wakley, T.
Walker, C. A.
Williams, R.
Williams, W.
Wilson, Henry
Wodehouse, E.
Wood, C.
Wood, Alderman
Wynn, rt. hon. C. W.
Young, G. F.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the Noes.

Barclay, D.
Bowes, J.
Brocklehurst, J.
Buller, C.
Cayley, E. S.
Fielden, J.
Hamilton, G. A.
Harland, W.
Hastie, Archibald
Hindley, C.
Hutt, William
Lushington, C.
Marsland, Henry
Morrison, J.
Potter, R.
Sibthorp, Colonel
Thompson, Alderman
Thompson, Colonel
Wallace, Robert
Warburton, H.
Wason, Rigby
Williamson, Sir H.

TELLERS.

Trevor, hon. A.
Lambton, H.

On the first Clause (relating to the appointment of Commissioners) being put.

Sir *Love Parry* eulogised the conduct of the Commissioners, (Ecclesiastical Commissioners), and above all the Archbishop of Canterbury, but contended that sufficient attention had not been paid to the situation of the inhabitants of Wales in the new arrangement of the Welsh dioceses. By the proposed system the Bishop of St. Asaph would be liable to constant charges of non-residence, and would lose a great deal of his influence in his diocese. The great mass of the population of North Wales consisted of Dissenters, but they were friendly to the Church, and they, as well as the ministers of the Church, looked at the proposed change with great jealousy. After these observations, he would conclude with expressing his sincere hope that the House would not alow the see of Bangor to merge into any other, and that no part of the funds belonging to that see shall be withdrawn from it.

Mr. *Rigby Wason* objected to the power which this clause gave these Commissioners. By this Bill a certain number of individuals would have the whole power of regulating the Established Church; he (Mr. Wason) could not conceive of a British House of Commons consenting to delegate that power, which Parliament ought to keep in its own hands, of legislating for the Established Church, into the hands of these Commissioners. He considered such a delegation of power as most unconstitutional. The other night the right hon. Baronet the Member for Tamworth, had objected to the House delegating its functions to Commissioners, and the noble Lord (Lord John Russell) had acceded to his views. Why, then, should he hand over so much power as was given to the Commissioners, in this Bill? Why, did the hon. Member for Durham know, that under this Bill the Commissioners would have the power of saying, "there shall be no Bishopric of Durham?" ["*loud cries of no, no,*"] Well, let hon. Gentlemen who cried "no" read the 13th Clause,—"And be it enacted that as soon as any such order in council," and everybody knew that this "order in Council" meant nothing more nor less than the order of the Minister of the Day. ["*no, no.*"] That was his (Mr. Wason's) impression.—"Be it enacted that as soon as any such Order in Council shall be so registered, it shall, in all respects, and as to all things therein contained, have and be of the same force and power as if all and every part thereof were included in this Act, any law, statute, charter, patent, usage, or custom, to the contrary notwithstanding." These words were about as sweeping as any he had ever read. And he (Mr. Wason) asked the House of Commons, was it right that such powers as these should be delegated to these Commissioners? If the Ministers of the Crown had any project in contemplation which they were afraid the House of Commons would not sanction, he (Mr. Wason) could comprehend very well the necessity for such provisions. As a matter of expediency he could understand it, but certainly it was contrary to all principle, and —except indeed during the last four years, when the country had swarmed with Commissioners—contrary to all precedent, and contrary to all practice. He did strenuously object to giving any Commissioners power which Parliament ought to keep in its own hands.

Lord *John Russell* said, that the hon. Member's objection would be good if the power of the Commissioners was unlimited, but it was defined and restricted by the 10th Clause to matters of detail. The objection of the right hon. Baronet, the Member for Tamworth, was to Commissioners having power to alter the schedules of the Registration of Births Bill, and thereby being enabled to form any measure they thought fit. In this Bill there was no such power given. And, therefore, though the objection of the hon. Gentleman would be, if founded in truth, a very strong one, it entirely fell to the ground when the 10th Clause was considered.

Mr. *Wason* contended, that the preamble of the Bill quite counteracted any restrictions on the powers of the Commissioners, which the 10th Clause might be supposed to contain. He would not weary the House by going through the lengthened preamble; but he would remark that it gave the Commissioners power to award such compensation as they might deem just and equitable to those officers connected with the deans and chapters, who might be injured or superseded by the provisions of this Bill. That was a power which he (Mr. Wason) objected to. He also objected to the Bishops having any patronage. He considered patronage as an additional source of emolument to those who held it. What reason again was there given for allowing the Archbishop of Canterbury the sum of 15,000*l.* a-year,—the Archbishop of York 10,000*l.* the Bishop of London, 10,000*l.*, &c. The House ought to consider that for every 400*l.* they gave to these dignitaries annually more than was necessary, they deprived 5,000 persons of spiritual instruction. If there were provisions in the Bill that the Archbishop of Canterbury, for instance should keep so many horses,—and give so many dinners, he (Mr. Wason) could understand the necessity for giving him 15,000*l.* a-year. But he saw no reason why that prelate should not have 7,000*l.* only, and the rest be applied to the instruction of the people. Reference was made to the comparisons which were sometimes. instituted between ecclesiastical dignitaries and the legal dignitaries of the country? You gave 8,000*l.* a-year to the Lord Chief Justice of the King's Bench. Why did you give him so large a sum? Because it was necessary, in order to give satisfaction to the public, and confidence to the Bar, that, from perhaps the most lucrative profession in this country, you should select the best man to occupy the judicial bench; and without a large salary you would not induce him to relinquish his practice. But in the case of the Archbishop of Canterbury the same necessity did not exist: for who would say that the most exemplary pastor among the clergy,—and only such should be selected for the episcopal dignity,—would be thought more of to-morrow, with a salary of 15,000*l.* than he is to day—with 150*l.* a-year. He (Mr. Wason) could if necessary go through a variety of other instances in which the Commissioners' powers were left by the preamble, notwithstanding the supposed restriction of the 10th Clause, almost omnipotent; and his objection remained as strong as it was before.

The clause was agreed to.

Clause 2nd, was also agreed to.

On Clause 3rd being proposed,

Mr. *Hindley* said, that he considered this clause quite unnecessary, as the object of it was already fully provided for. He moved that the clause be struck out.

The Committee divided on the clause: Ayes 79; Noes 21; Majority 58.

The clause was agreed to, as were the following clauses to eight inclusive.

The House resumed: the Committee to sit again.

HOUSE OF LORDS,

Monday, July 11, 1836.

MINUTES.] Bills. Read a third time:—Horse Patrol; Blackheath Small Debts.—Read a second time:—Murderers' Execution; Court of Chancery (Ireland); Holyhead Roads.

Petitions presented. By the Archbishop of CANTERBURY, from several Places, against parts of the Marriages' Bill.—By Lord LYNDHURST, from Six Clerks Office (Ireland), for Compensation under Court of Chancery (Ireland) Offices' Abolition Bill.—By Lord KENYON, from the Parish Clerks of Marylebone, Newcastle-upon Tyne, and the Clergy of the Archdeaconry of Essex, against the Registration Bill, and praying for Compensation should it pass into a Law.—By Lord GLENELG, from Spirit Dealers in Dublin, against the Spirit Licences' (Ireland) Bill.

SOUTH DURHAM RAILWAY BILL.] The Marquess of Clanricarde moved, that the South Durham Railway Bill be read a second time,

The Marquess of *Londonderry* moved that the Bill be read that day six months. He opposed the Bill upon two grounds—first, because he believed most conscientiously that no public benefit would accrue from it; and secondly, because it would prove greatly prejudicial to private property. The railroad, for instance, would pass through one of his own estates, on which he had expended 40,000*l.* But it was not upon that ground alone he opposed the measure, for he had not opposed the Great Northern Railway, which also ran through an estate of his, but he looked upon that as of great commercial benefit, while the present Bill was of no use whatever.

Lord *Wharncliffe* also opposed the Bill, on the ground that it did not, like other Bills, give compensation to landowners through whose property the railroad might run.

The House divided on the original motion:—Content 19; Not content 51;—Majority 32. Bill put off for six months.

IMPRISONMENT FOR DEBT.] The *Lord Chancellor* rose to move the second reading of the Imprisonment for Debt Bill. He would state in the outset that he did not participate in that excessive sympathy so enthusiastically professed by some persons for those who were suffering imprisonment for debt. Whenever he had considered the question how far it might be possible consistently with the interests of the country at large to abolish imprisonment for debt, one of the most important elements of consideration always appeared to him to be, how the creditor could best be secured from loss and facilitated in obtaining the payment of what was justly due to him. Any measure, therefore, which proposed to do away with imprisonment for debt without enabling the creditor by a wiser, better, and more expeditious process to obtain payment of what was due to him, would never receive his sanction; and the ground on which he called for the approbation of their Lordships to this Bill was, that it aimed, and he hoped successfully, at the attainment of both objects, presenting a better and more available security to the creditor, while it afforded relief to those who by misfortune became involved in debt from the severe pressure which in many cases the law, as at present existing, unjustly imposed upon them. This subject had to some considerable extent engaged the attention of both Houses of Parliament; and the Report of the Commissioners on which this Bill was founded had been on their Lordships table since 1832. He called their Lordships' attention to the date of that Report, because from what passed on a former evening he was led to suppose that objection would now be made more to the time at which the question was brought forward than to any principle on which the Bill itself was founded. Since 1832 the whole of the facts had been before the public; the Report had been in the hands of Members of both Houses; public attention had for a considerable time been occupied with the subject, and it was therefore to be presumed that noble Lords had made themselves fully acquainted with all the circumstances of the case. In the last Session of Parliament a measure containing provisions very much of the same nature as those of the present Bill passed the House of Commons, but did not reach their Lordships' House until the 16th of August, when, in his opinion naturally enough, although it had been made a matter of complaint out of doors, their Lordships had decided it was too late to entertain a Bill on so important a subject. He should have been glad had he been able to bring the present Bill under discussion at an earlier period of the Session; but upon that point he had nothing to reproach himself with. It was laid on their Lordships table on June 30th. A noble and learned Lord (Brougham) whose absence had this Session been frequently lamented, undertook to bring forward a Bill on the subject, and he (the Lord Chancellor) was unwilling to take the matter out of that noble Lord's hands until no hope was entertained of that noble and learned Lord's return to the business of that House before the close of this Session. With his other engagements it was impossible for him to introduce it before the 30th of June. He hoped, if no objections were entertained to the principle of the Bill, it would not be opposed on the ground that it was too late in the Session now to proceed with it. The Report to which he had alluded rendered it unnecessary for him to detail at any length the objections which existed to the present system, or the remedies which it was proposed to apply. The question divided itself naturally into two parts, according to the two periods at which the arrest might take place. It applied as well to arrest on mesne process at the commencement of the suit, for the purpose of securing the person of the defendant, as the arrest in execution which followed the judgment; and the object of the Bill was to get rid of both. He should first address himself to the latter; because if it could be shown that arrest in execution after judgment was not beneficial to the creditor, it would follow that a great alteration would be required in the state of the law at the commencement of the suit. Nothing could be more objectionable than the present state of the law of arrest after judgment. Judgment having been obtained, the law as it now stood gave the plaintiff the option of proceeding against the goods of the debtor, or of taking his person. If he took his person, he must be satisfied with that; but of what avail was it? It could clearly avail nothing whatever if the debtor had no property; but then it was said, if he possessed property, the pressure of imprisonment would compel him to surrender it. But, strange as it might seem, the law did not enable the plaintiff, except in a very limited number of cases, to take the debtor's property at all. He could take only half the income of the debtors' land—he could take his goods and chattels, but he could not touch his property in the funds. The debtor might be an extensive proprietor in the various public companies—he might possess shares and securities of every kind but the creditor could only take what came under the description of goods and chattels; and cases were frequent of debtors living under the restrictions, or within the rules, of a prison, in positive affluence, and setting their creditors completely at defiance. Should such a state of things be allowed to remain? If the debtor had no property, the creditor had the right to imprison him for life, except as the debtor might be released by the operation of the Insolvent Debtors' Act, which had been a considerable time in operation, but which would expire with this Session. Formerly the state of the law in this particular was considered so enormous that periodical Insolvent Acts were passed, up to the year 1813, to clear the gaols of these unfortunate persons; but now, by the present Insolvent Act, a man who could not pay, as well as the man willing to pay, was compelled to remain in prison two months before he could take the benefit of the Act. A comparison of the mode in which the Act for the Relief of Insolvent Debtors operated to the disadvantage as well of the creditor as of the debtor, would convince their Lordships of the anomaly which existed in this law, as compared with the bankrupt laws, whereby a man in trade, who owed a hundred pounds or more, was enabled at once to call his creditors together, and divide his property amongst them; whereas, by the Insolvent Act, all persons who were not traders, were compelled to undergo imprisonment for two months before they could derive any benefit from that process. Such was the state of the law of debtor and creditor with respect to the power of imprisonment after judgement, and what was the feeling exhibited upon this power by the creditor portion of the community? He might state from his own knowledge and experience what were the feelings and opinions of a very great number of persons so situated, who were resident in the city of London. A deputation had lately waited upon him composed of persons engaged in trade and commerce in the metropolis, and it was distinctly stated by them that they would very willingly forego the right of imprisoning a judgment debtor, if on the other hand they were furnished with power to seize his property, for the expense of arresting a person in that situation was oftentimes greater than the trouble was worth. If such was a faithful representation of the effects of arrest and imprisonment after judgment, and if in the opinion of those persons that power was worthless, and moreover not right to be exercised, what circumstance could render an arrest right or proper which should be enforced before judgment was pronounced? Their Lordships were aware that an arrest before judgment was only for the purpose of securing the person of the debtor to answer to the action, and that the bail was discharged the moment the person of the debtor was produced in Court to answer to the action. Why was this done unless to secure the defendant to answer the plaintiff's demand? But surely it must be allowed, if it were improper and inexpedient to exert this power after judgment, it was still less expedient and proper to suffer it to be exercised before judgment was pronounced, or before even the debt alleged was proved to be due. Let him call their Lordships' attention to the mode of arrest in *mesne process*, and to its operation. Let him ask wherein consisted the justice of that power as exercised against the defendant, and also how it operated to secure the rights of the plaintiff? In the first place it gave the power to one man as against another, and a strange power it was; for all that could be done against a person accused of a misdemeanour, or perhaps a graver offence, was to examine the charges before a magistrate, and either have him held to bail, or sent to prison, or else discharged if innocent; but in the case of a civil suit, any one who might be able to swear that another person owed him a sum amounting to 20*l.* or more, could compel that person to put in bail for his appearance, or else send him to prison, and it had been found by experience that the expenses of putting in bail were so great that it was not worth while to dispute the amount of a small debt, but that it had better be paid than bailed, and even many cases had shown that if a man owed 20*l.* and was arrested for 25*l.*, such a person had often rather pay the larger sum than be put to the expense of proving that he owed 20*l.* and not 25*l.* In addition to its inherent injustice, the law of arrest on *mesne process* was often made the means of the greatest possible oppression by the extortions practised on debtors by the officers who executed the writs under pretence of fees and purchased indulgences. The Report stated on this head that great advantage had been taken by Sheriff's officers employed in executing writs by the extortions practised on debtors who were taken into custody by them under the plea of fees for extra indulgences, and who under that denomination were most shamefully plundered. One witness on the creditor side of the question, who was a large trader, stated before the Committee that the inconvenience, the disgrace, and the expenses of the existing system were so great that he would very willingly consent to forego the power of arrest provided he were furnished with any other adequate means for enforcing his debtor to pay to the extent in his power. Now the object of the law of arrest was not to suffer these extortions, inconveniences, or acts of injustice to be practised. Its object was to secure the amount of a debt, and not to compel the payment of a demand under the threat of enforcing an arrest. In fact, experience as well as theory showed, that the power of arrest was very often used to compel the payment of a debt which was not due, as well as one which was justly due? He must, however, be permitted to state that he had not forgotten the interests of the creditor in the proposed alterations; because he was of opinion that the person who stood in that relation was at present put to unnecessary trouble for the recovery of his just claims, as well as the debtor to great hardship. The creditor had a distinct right to have the power of enforcing payment of his debt, and in no less a degree than he now possessed it. He must now turn his attention to an examination of the evils which the Bill was intended to correct. In the first place there was an evident infirmity in the law; in the second place there was an evident evil in exposing the debtor to the hardship of arrest; and, lastly, the law absolutely forbid that the man who might be willing to give up the whole of his property to his creditor, should do so without first undergoing two months' previous imprisonment; and, moreover, if even a debtor was ever so well disposed towards his creditors, and was most anxious to divide his property amongst them, he could not effect such an arrangement unless he had the consent of the whole, without rendering himself liable to the claims of the outstanding creditors. The object of the Bill was, to overcome all these difficulties, hardships, and inconveniences. The first fifteen clauses proposed means by which a more effectual execution might be obtained against the property of a debtor. Instead of being limited to one-half, the creditor should be put in possession of the whole income of the debtor's estate; landed property was also to a much greater extent than under the former Bill rendered liable to the payment of debts under the summary and compulsory process now proposed to be adopted. The greatest difference between the Bill as it now stood and that of last year was in the alterations which it proposed to make in the law of the compulsory enforcement of debts upon landed property. The peculiarity of the law of real property, and the difficulties which existed in the way of making out a title, often rendered it impossible to bring such property within the limits of the law as regarded debtor and creditor; for the sheriff, in cases of seizing real property, could not offer to purchasers anything like so good a title as he was enabled to do in cases of personal or moveable property. The Bill, therefore, gave the creditor the whole produce of the rents of landed property in satisfaction for the space of one year, and before that year had expired, or within that period, the debtor was to be at liberty to seek out other adequate means of satisfying the debt and of releasing his landed property; but if he failed to produce such means within the space of a year, then the creditor was to be considered as having an equitable lien upon the land in satisfaction of his debt. This case could not happen very often, as persons possessed of landed property were seldom if ever unprovided with other means which might be taken in satisfaction of debts, but if not, the creditor was thus provided with means for satisfying them, nor would the debtor complain, inasmuch as he had a whole year to turn himself round in. The Bill dealt with other property in the same way as the former Bill, providing also that in cases where there was a surplus of property, only so much should be taken as would satisfy the debt. It also provided that a refractory or dishonest debtor should be subjected to an examination before Commissioners, in the same way that a bankrupt was now examined, in order to compel a disclosure as to where his property was concealed. It was also deemed right to make it a provision of the Bill, that all judgment debts should bear interest from the date of judgment being pronounced, and in order to compensate for the deprivation of the power of arrest, the creditor should have the power, if his debt were not satisfied within twenty-one days from the day on which judgment was dated, to consider the non-payment as an act of bankruptcy, and to proceed accordingly. The mode in which the Bill would apply to persons not in trade was exactly similar in effect, because the very act of *cessio bonorum* would entitle him to its benefits. But while the Bill contained these clauses for the advantage of the debtor, it did not altogether lose sight of the power of punishment in cases of fraud or dishonest concealment of property, or where debt had been wantonly incurred. In all cases where substantive offences of this nature were proved against insolvent debtors, the creditor was armed with the power of arrest and detention, and, in this instance, the Bill proceeded in principle upon the same law of arrest as was now in force, punishing, by that process, the fraudulent debtor, but relieving all others from the fear of being taken to prison. If a creditor had reason to believe that his debtor was likely to abscond to another country to defraud him of his debt, it was only proper that he should have some means of getting at his debtor's person in order to prevent him. The Bill, therefore, provided, that in such cases the power of arrest should remain, and even extended it further than the law allowed at present. Under the existing law the creditor could only arrest his debtor at the commencement of the suit; and yet in the progress of it he might learn that his debtor was about to abscond —and then where was the power to prevent him? There was also opportunity given to debtors to abscond from their creditors, especially if they happened to be in the country, owing to the delays with which the suing out of bailable writs was attended. This evil would also be remedied by this Bill, for it provided, that at any stage of an action, upon making affidavit of the intention of the debtor to abscond, the creditor should have power to obtain from any justice of the peace in the neighbourhood a warrant to arrest the person of the debtor. To prevent, however, this provision from being converted into an engine of oppression against the debtor, it was also provided that this warrant should be liable to the supervision of the Judges at Westminster, and that if the party were arrested without due cause, should be dismissed with costs against the creditor who had applied for it. He thought that these provisions would be found a great improvement on the present state of the law, and would prove to be remedies highly beneficial to the creditor. If their Lordships should be of opinion that the Bill did not give the creditor sufficient means to secure his debt, another plan might be devised by which, without inflicting greater hardship on the debtor, greater security might be perhaps given to the creditor. That plan would not form part of his Bill, but he would state it to their Lordships, as it might meet their approbation in case they did not like that which he had already proposed. When there was a declaration verified upon oath of the defendant's intention to escape, an arrest of his person might take place. He would therefore suggest, that the creditor should have the right to arrest his debtor under certain limitations. But as soon as the debtor should have put in bail, the creditor should be bound to bring him before the Commissioner in the country, who should forthwith examine him as to the state of his property. If the Commissioner should, upon that examination, find that he had no property, he would of course order him to be discharged; if, on the other hand, he should find that he had property, he would, without adjudicating on the circumstances, order him to be discharged on giving security to the creditor for the amount of his debt, provided that debt were subsequently proved by the verdict of a jury. This would mitigate, to a certain extent, the hardships of the law. It would anticipate nothing, for the suit would go on as before; and it would have this additional advantage, that it would bring both debtor and creditor together before an impartial person, and would thus stop nine out of every ten actions that were brought. It would bring to the knowledge of the creditor what he had to expect, and to the knowledge of the debtor what he had to perform. This would generally terminate the suit altogether, and obtain for the creditor all that he had a right to demand from his debtor. The Bill, it was clear, could not be carried into effect without the appointment of Commissioners in the different counties of England and Wales. In London, the machinery for carrying the Bill into effect would be found in the existing Court of Review and its Commissioners. Their Lordships had frequently heard of late, that the Court of Review had not sufficient employment. If this bill should pass, they would soon have business enough upon their hands. It was clear, however, that there must also be a number of Commissioners dispersed throughout the country for the purpose of carrying it into effect there. It was admitted on all hands, that great benefit had arisen to bankrupt estates under the recent alterations of the bankrupt laws, and it was likewise admitted that that benefit had arisen owing to the working the bankrupt's estate in the metropolis under official commissioners and assignees. There was a wish to extend the same plan to the country; but there was some difficulty as to the mode in which it was to be done. In the country there were no official assignees, no standing commissioners; and if the system which now prevailed in London were extended to the country, it would require the establishment in each district both of standing commissioners and of official assignees. Now this Bill provided for the establishment of such officers in the various districts of the country, who would perform the business in bankruptcy and also in insolvency, which this Bill would transfer to them. Important as this subject was, not only to those who were now imprisoned for debt, but also to those who sought to recover their debts by means of that imprisonment, it would still be carried into execution without any extensive or complicated machinery. He could not but think that the adoption of the principles of this Bill would be a great blessing to the country—that it would be a great improvement to those who were in the situation of creditors, and to those who were in debt, and who from their inability to pay their debts were now in prison. He trusted that their Lordships, notwithstanding the late period of the session, would turn their consideration to this important question, and that both the debtors and creditors of the country would reap the advantages of their Lordships turning their deliberations to this measure. The noble and learned Lord concluded by moving, that the Bill be now read a second time.

The Duke of *Wellington* felt, that he owed an apology to their Lordships for rising to address them immediately after the noble and learned Lord on the woolsack; but as this was a subject to which great public attention had been drawn, as there were a vast number of persons deeply interested in the adoption of some measure of this description, and as this measure, by proposing a new system of law, involved in itself very large and extensive interests, he deemed it to be his duty to come forward and to propose to them not to consider it at the present advanced period of the session. The noble and learned Lord had stated accurately to their Lordships the dates of the different periods at which this measure had been previously produced to their Lordships. The noble and learned Lord had stated, that it was brought up to their Lordships' House last year on the 16th of August, and that it was laid on their table this year on the 30th of June; and had compared the period of the 16th of August, 1835, with the period of the 30th of June, 1836, as if there were no other circumstances existing in Parliament to be taken into consideration on this subject, except the dates at which the measure had been introduced. If he was not much mistaken, there was then upon the table of their Lordships a greater quantity of business to be transacted than was ever before known at so late a period of the session. Their Lordships had heard reports, and he hoped that they were well founded, that Parliament would be prorogued at the end of this month or at the beginning of the next. Their Lordships knew of measures of far greater importance which were about to be sent up to them, and on which it would be necessary for their Lordships to decide; and under these circumstances, considering that some of the noble and learned Lords had already set out upon their circuits, and that others of them must soon leave for their circuits, he humbly submitted that, if it was expedient, on the 16th of August, 1835, to postpone the consideration of this measure to a distant period; it was also expedient to adopt a similar course on this 11th of July, 1836, on which day the noble and learned Lord on the woolsack had submitted the second reading of it again to their Lordships' notice. He entirely acquitted the noble and learned Lord who brought forward this Bill last year, and whose absence from his Parliamentary duties he lamented as much as any of their Lordships could do,—he entirely acquitted, he said, that noble and learned Lord, and also the noble and learned Lord on the woolsack, of any neglect of duty in not bringing this Bill forward at an earlier period. What he contended for was, that as they now found themselves at that late period of the session with so much business before them, it was impossible to enter into the discussion of the second reading of this Bill. He did not admit, because he desired to postpone this measure for future consideration, that he therefore approved of its principle; nor did he mean to state at present any opinion upon its principle. But this he would say of this Bill—that there were some parts of it which made an important alteration in the law of England and in the tenure of landed property, and he therefore called on their Lordships not to go on with such a measure at a time when they could not give it ample consideration, or come to a decision which would be satisfactory either to themselves or to the public. He must also observe, that the noble and learned Lord on the woolsack had stated some circumstances which induced him to be of opinion that it would be desirable to postpone the further consideration of this measure to a future time. The noble and learned Lord had stated, that in the early parts of the Bill—that is, in the first sixteen clauses—some very important alterations had been made since it was before the House last session. He had likewise to state, that in the concluding parts of the Bill, which related to the power of arresting the person, he should have some alterations to propose at a future time. It appeared to him likewise, that in respect to that part of the Bill which referred more particularly to the creation of patronage, and which formed no inconsiderable portion of it in the consideration of their Lordships, the plan was exceedingly incomplete, and there must be, in his opinion, many more enactments to render the employment of the vast body of Commissioners appointed under this Bill, desirable or even beneficial to the public. He confessed that in the view which he took of this Bill, and he would not enter into many of its details, nor indeed would he follow the noble and learned Lord on the woolsack through those details into which he had entered, he should say of it, that instead of being one Bill, it should be divided into four Bills. There was one part of it quite distinct from all others—namely, that which related to judgment debtors. There was another subject also quite distinct—namely, that which related to what was called the *cessio bonorum.* There was a third subject, which was also distinct from the others, and that related to the punishment of fraudulent debtors. The fourth and last part was also distinct, and related to the power of arresting the person. In respect to the first of these subjects he must observe, that it made a most remarkable change in the whole system of the tenure of property in this country—a change which might be necessary to adopt to give creditors a fair hold on the property of their debtors, which was a claim that must be attended to, and of which, if it were necessary, he would say at once, "let it be made." He had, however, examined some of the Returns on their Table, and it appeared to him from that examination that the number of judgment debtors in proportion to the number of persons against whom affidavits of debts were filed was really quite trifling. He saw in one of the Returns, that the number of judgment debtors against whom affidavits had been sworn in all the Courts of Law in this metropolis in the last two years and a half, amounted only to 800, though there had been 123,000 affidavits of debt sworn within that time. Now when it was proposed to overturn all the old system of landed property, he implored their Lordships to look at this question from another point of view. From the same Return to which he had just adverted, it appeared that out of the number of persons against whom affidavits had been lodged, there were only 300 and odd whose debts exceeded 1,000*l.*, and not above 100 persons whose debts exceeded 2,000*l.* And to lay hold of these persons their Lordships were called upon to overthrow all the existing system of real and personal property in England. If it were true that the great landowners of England, and the great merchants of England, were persons who sought to evade the just payment of their debts to their creditors, their Lordships ought to pass this Bill. But if it were not true, then he said, that the first fifreen clauses of this Bill were unnecessary; and he therefore again recommended their Lordships to postpone this Bill for a longer period before they adopted a clause so disgraceful to the gentry and merchants of England as that clause of it which compelled them to give up their property to the payment of those debts which of themselves they were not reluctant to pay. There was another part of this Bill which he did not exactly understand, and which he should wish to have time given to their Lordships in order that they might fully consider it. The noble and learned Lord on the Woolsack had stated what was perfectly true, that the first sixteen clauses of the Bill referred entirely to judgment creditors. The other clauses, down to the 111th or 112th Clause, referred to the cases of debtors against whom no judgments had been obtained. What was the object of these clauses? The object was, to bring those debtors against whom no judgment had been obtained, under the operation of the Bankrupt-laws. But how were they to be brought under the operation of the Bankrupt-laws? They were to volunteer to petition the Commissioners; they could not be arrested; their persons could not be touched; but they were of their own accord to petition the Commissioners to be brought under the operation of the Bankrupt-laws. This was a mockery—nothing more. Could this give any security to the creditor? If the man were arrested, he could then understand how he would be induced to petition to be brought under the operation of the Bankrupt-laws. But under this Bill there was to be no such thing as arrest, and the debtor was, of his own accord, to petition to be made an object for the Bankrupt-laws! In one word he would say, that it appeared to him that it was quite impossible that such a system could ever answer. The noble Duke, whose exhaustion rendered him very inaudible during the remainder of his speech, then proceeded to observe, that the noble and learned Lord on the Woolsack had spoken of the Court for the Relief of Insolvent Debtors in a way in which it appeared to him that that Court did not deserve. He thought, that that had been a most efficient Court. He saw from the Returns on their Lordships' Table, that in one year 4,509 persons had been in the prisons of the metropolis, some in execution, and others upon *mesne* process. Of this number, 2,500 had been discharged by order of the Court for the Relief of Insolvent Debtors. At the end of the year 1,500 still remained in prison—and therefore the remainder must have satisfied the claims of their creditors, and liberated themselves. He could not call that Court inefficient which had produced such an effect. That was in London; but that Court had also discharged within the same time not less than 800 persons in different parts of the country. If the period before which the Court for the Relief of Insolvent Debtors will not discharge prisoners in confinement for debt be too long, why does not the noble and learned Lord introduce a Bill to shorten the period? He believed that the period of imprisonment had been fixed at two months, to avoid the commission of those frauds which would be the consequence of that Court's having power to liberate prisoners at the expiration of a shorter period. If the noble and learned Lord on the Woolsack was of a different opinion, why should he not bring in a Bill to continue for a longer period the existence of the Court for the Relief of Insolvent Debtors, and to shorten the period at which they were to be liberated from confinement? With regard to the third part of the Bill, which related to the confinement and punishment of the fraudulent Debtor, he had not seen any sufficiently stringent remedy in it. As the law stood now, the Judge of the Court for the Relief of Insolvent Debtors, had power to refuse to liberate any debtor whom he found in a state of fraud against his creditors or other persons. That was a species of confinement of which he understood the noble and learned Lord on the Woolsack to complain. Under this Bill, however, the fraudulent debtor must be regularly indicted before the ordinary Courts of Law. Their Lordships all knew the difficulties which stood in the way of getting such proofs as would support such an indictment; and the getting of such proofs was not at all facilitated by the clauses contained in this Bill. He now came to what he said ought to be the fourth part of this Bill—he meant the clauses which prevented the arrest of the debtor's person, except in cases where the creditor had good reason to believe that it was the intention of the debtor to abscond to evade the payment of his debt. He believed that the mercantile classes of the country, and more particularly the shopkeepers and traders, were deeply interested in having some power over the persons of their debtors; but their interest in having such power was not greater than that of the lower classes of the people. If the lower classes of the people should have no power to recover their debts, they must often be left in circumstances of great difficulty, especially in times and seasons like the present. Under all these circumstances, he asked their Lordships not to pass a vote which should condemn this Bill, but to pass such a vote as was necessary to postpone the consideration of it; and with that object in view he moved their Lordships to put off the second reading of this Bill from to-night to this night three weeks.

Lord *Abinger* was understood to observe, that the proposition to abolish imprisonment for debt, after judgment obtained, was a proposition which required the deepest consideration. Imprisonment for debt after judgment had been the law of England from the earliest periods of our history, and was now the law of every other country in Europe. If the Bill contained no other proposition but that, he would require their Lordships to give it the longest consideration that was consistent with the forms of their Lordships' House. But unfortunately this Bill went further; and when he stated the lengths to which it went, and the principles on which it was founded, he thought that their Lordships would see that it was impossible that they could adopt it without further consideration. The most moderate part of this Bill was that which proposed to bring persons who were not traders under the operation of the bankrupt laws. But the powers and machinery provided by this Bill were not required for that purpose. Any person who was a trader might now make a voluntary declaration of insolvency, and so bring all his property under the control of the bankrupt law. The great object of the present Bill was to extend this permission to persons who were not traders. Why could not this be done by a short clause, stating that the same declaration which was now made by persons who were traders should be made by those who were not, and that afterwards the bankrupt laws should be carried into effect? Again, there was the Court for the Relief of Insolvent Debtors. A Bill had been introduced into the other House of Parliament for the continuance of that court for another year. If their Lordships did not wish to extend the operation of the bankrupt laws to persons who were not traders, but were desirous to give parties who meant honestly by their creditors, the power of dividing their property *pro rata* among them, they would give those parties without imprisonment the same advantages which they now gave to the applicants to the Insolvent Debtor's Court, after an imprisonment of two months. There was another objectional provision contained in the Bill. There were fifty-two counties in England and Wales. In Yorkshire there were three ridings, and in Lincolnshire three divisions, making a total of fifty-six districts. This Bill contained a provision to appoint fifty-six Commissioners, who were to be sergeants-at-law, or barristers of seven years' standing, at a salary of 800*l.* a-year each; fifty-six registrars, at a salary of 300*l.*; and fifty-six ushers, at a salary of 60*l.* a-year each; making, if his calculation was right, a total expense of 76,000*l.* a-year. In fact, the true principle of the Bill was, to increase the patronage of the Government, and to place all England under the operation of the bankrupt laws. There were a great many alterations in the law which would affect all the property in the country, and which would also affect that system of credit which was the foundation of trade, made in this Bill. He would not say that some of the clauses were not well adapted to the objects which the Bill contemplated, but it was a question of great importance, on which their Lordships ought to proceed with great caution. With respect to that part of the Bill which proposed to give greater security to the judgment creditor, he saw no objection to it. Some years ago, when he had the honour to be Attorney-General, he had introduced into the other House of Parliament a Bill to accomplish that object, but his successor had not taken it up. He had wished to limit the power of arrest to debts above 100*l.*, and to give the judgment creditor greater power over the debtor's property. He had the satisfaction of knowing that his propositions met the approbation of the Chambers of Commerce in London and Westminster; but he found so violent an appetite for extensive reform in the House of Commons, that he could not carry his propositions at all without assenting to the entire abolition of imprisonment for debt. On a subject like the present their Lordships ought to proceed by degrees. He did not object to any gradual constitutional and reasonable reform of the law of debtor and creditor, but he did object to this violent, hasty, and unreasonable alteration of it, and he should, therefore, support the amendment of the noble Duke.

Viscount *Melbourne* said, that a noble and learned Lord, not now in his place, and whom he did not expect to see in his place before the end of the present Session, had informed him that he did not expect to be present at the commencement of this Session, and it had been agreed between them, that he (Lord Melbourne) should take the noble and learned Lord's place, and bring forward his measures. If any delay, therefore, had occurred with the present measure, it was entirely attributable to those who had undertaken the charge of it, and was in no respect to be ascribed to him. The noble Duke opposite had indulged in very sanguine hopes with respect to the prorogation of Parliament. That event was generally reported as likely to take place at the end of this month or the beginning of the next. That, however, their Lordships well knew, must necessarily depend on the state of public business, and the motion which the noble Duke had made to defer the second reading of this Bill for three weeks, would bring them to the 1st of August. He was afraid, that whatever industry they might exert, and whatever efforts they might make, that day would find them still sitting, and that they would then have to proceed to consider the subject. If it was to come under discussion at all, surely they had better apply to it now, instead of putting it off for three weeks, when it would undoubtedly come again to be considered. The question, as the noble Duke had said, was one of great importance, and of great public interest. Neither the noble Duke, nor his noble Friend who last addressed the House, had declared themselves hostile to the principle or objects of the measure, or unfriendly to the means by which they were to be carried into effect. He could not, then, see why they should not at least go into Committee on this Bill, consider whether the objections made to it by the noble Duke and his noble Friend might not be overcome, and endeavour to attain an object earnestly desired by the country and the House of Commons, and which there was no reason to think was unattainable. He would not enter into the reasoning of the noble Duke, or into the view which he had taken of the measure, but he did not see in the arguments urged by him any solid grounds for postponing this Bill, or for refusing now to enter into the consideration of it. He perfectly agreed with the noble Duke, that the weight of business pressing on this House was matter for serious consideration, but he saw nothing in it which should deter them from proceeding with the present measure. This period of the Session was extremely early, compared with the time to which they had been of late accustomed to sit. It was very rarely that the House had risen of late years before the middle of August, and sometimes its sittings had been protracted till several days of September had passed; and he thought they had little reason to consider themselves now as approaching the termination of the Session. Having so much spare time before them, he thought that the business, though important, would not be so extremely pressing and overwhelming as was represented. He could not at least see why they should not enter on the consideration of this subject.

Lord *Abinger* remarked, that the last clause of the Bill deferred the operation of it till the 1st of January, 1838, so that no very great loss of time would result from its postponement at present.

Lord *Wynford* objected to originating a measure of this importance at such an advanced period of the Session, when it was vain to expect that its provisions could be considered as fully as was requisite. He contended that the Insolvent Debtor's Act contained all the power necessary to get at every penny of a debtor's property, and must object to the powers given to judgment creditors by this Bill. He entertained the greatest objections to the appointment of the host of new Commissioners proposed to be created under the Bill, and thought it would lead to a very dangerous and unnecessary increase of patronage. He should vote for the amendment of the noble Duke, because he considered it a gentle way, not of getting rid of the Bill entirely, but at least of getting rid of it till they could find time to consider it.

The *Lord Chancellor* said, that he would take occasion to repeat what he had before stated, that the great object of the Bill was to prevent debtors from defrauding their creditors, and from lying in prison and wasting their creditor's property. His noble and learned Friend (Lord Abinger) had suggested that the object of the Bill might be attained by a short Bill, enacting that persons not traders shall be subject to the same laws as traders, or another short Bill to perpetuate the Insolvent Court. Such a Bill might save a little expense in paper and printing, but would certainly be inefficient and defective, since it would reconstruct the whole of the old bankruptcy system. His noble and learned Friend seemed to suppose that if the Bill were short, the number of persons necessary to carry it into effect must be small, as if where the quantity of business to be transacted was the same in either case, the number of persons to carry the Bill into effect must not be the same, whether it consisted of one clause or of twenty. Did his noble and learned Friend mean that the seven Commissioners of Bankruptcy in London were to perform the functions to be discharged by the Commissioners under this Bill? If they were not to do so, then surely there must be Country Commissioners. Formerly there were seventy Commissioners of Bankruptcy in London, but the Bill introduced by Lord Brougham, confined the number to six, and the business was much better done than before. Whether this Bill passed or not, it was essential that the law should be carried into effect in the great commercial towns, as far as possible, on the same principle as in London. If its machinery was too complicated, if the Commissioners whom it proposed to appoint were too numerous, it would be in their power, after the measure became law, to reduce them to the smallest possible number, and to make their remuneration the smallest possible. There was not, he believed, more machinery provided for carrying this Bill into effect than was absolutely necessary, and certainly it was not proposed to appoint it with a view to the creation of patronage.

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REGISTRATION OF BIRTHS, MARRIAGES, AND DEATHS.] Viscount *Melbourne* having moved that the passage in the Speech from the Throne relative to the disabilities of Dissenters be read, the same was read by the clerk as follows: The noble Viscount then said, he rose to move the second reading of the Births Bill and the Marriages Bill. There were two Bills under these heads, but it appeared convenient to him, and he trusted it would seem convenient to their Lordships also, that their provisions should be explained and considered together. These questions had been brought under discussion with a desire to relieve those who dissented from the rites and ceremonies and doctrines of the Established Church from the necessity, in performing the most solemn ordinances of religion, of being compelled to express their acquiescence in, and conformity with, opinions and doctrines with which they could not conscientiously concur. Their Lordships were, doubtless, aware that no difference of opinion had existed on this subject on any side; that the adoption of some such measure with reference to marriages contracted in England had been recommended from the Throne in the Speech which the former Government had advised his Majesty to deliver in the year 1835, as well as in the passage from another Speech, which he had already desired the clerk at the table to read to their Lordships. Therefore there had prevailed among all parties an opinion that the grievances complained of were not without reason and foundation, and that it was an act for the wisdom of Parliament to afford those who suffered under them the relief they desired, if that relief could be afforded consistently with the maintenance of the purity and doctrines of the Established Church in this country. Various measures with this object had been introduced into the other House of Parliament by various persons. Into the details of those measures he would not then enter; but he believed it had been always felt to be matter of great difficulty, if not of utter impossibility, to afford the Dissenters relief in the performance of those solemn contracts which had always been accompanied and sanctioned by the rites of religion without entirely disconnecting the civil register from the ecclesiastical ceremony, and until a general register of births, marriages, and deaths was established throughout the country. This was a measure which their Lordships would at once perceive, as a matter of general policy, as a matter of general convenience, as a matter of general interest, was in the highest degree desirable, independent of any question relating either to Dissenters or to the Established Church. No one of their Lordships conversant with the business of life, or engaged in its transactions, could have failed to experience at some time or other the difficulty of ascertaining some facts of importance to his property and his family. Those who were conversant with the administration of justice and the nature of the cases which were brought forward for legal adjudication were well acquainted with the imperfections of the system of registration adopted in this country, and the great inconveniences which had arisen from the impossibility of ascertaining facts of great and vital importance. At present nobody could tell what period might have elapsed between the birth of a child and the date of its baptism; nobody could tell how many children were not baptised at all. The register of marriages was only a register of marriages according to the Church of England; whereas they all knew that by the Marriage Act, marriage contracted according to other religious rites was made lawful. The register of burials, too, was only a register of burials performed by ministers of the Church of England, though it was well known that many religious sects had burial places of their own, where they deposited their dead with all the rights of sepulture. It was to provide relief for these grievances, it was to protect rights which in all the transactions of human life and in all the affairs of man were of paramount importance, that these Bills were now presented to their Lordships. He must express his sincere and earnest hope that the measures now proposed would be found sufficient for the great object they were intended to effect. The second Bill treated of a subject that had always been found of much greater difficulty and importance than either the registration of births, or the registration of deaths, affecting as it did not only the present but posterior generations, wounding, as any doubt or obscurity connected with it necessarily must, the feelings, and blighting the prospects of those who should be far beyond the reach of any ill consequences of the act, as they had been unconscious at the time of its commission. No man was more sensible than he of the long train of evils attendant upon clandestine marriages; the affording any facility to them was a mere incentive to the formation of unhappy and ill-assorted alliances; for none but such marriages were celebrated covertly and secretly, in opposition to the wishes and remonstrances of those who, from longer experience of the world, were better able to judge of their probable consequences. Sensible as he was of the evils that arose from marriages so contracted, he could not but be sensible that there was a deeper and a heavier evil—the evil of incumbering the ceremony with so many formalities as to endanger its being at a distant time declared null and void, thus entailing nothing but shame and disgrace on the unconscious offspring, clouding their prospects, blighting their hopes, and irreparably affecting their condition and station in society. It had been very generally felt that much of the law regulating marriages in England was imperfect, insufficient, and inapplicable to the times in which we lived. With this view the first clause of the Bill abolished entirely the ancient mode of giving public notice of a marriage by the publication of bans, which had prevailed, perhaps, for a very long period of time, and which, perhaps, when the population was less extensive, congregations smaller, and people better known to each other, might have been sufficient for the purpose, but which of late years had become nothing more than a cover to fraud and deception. He had received letters from clergymen who stated that nothing was more common than for persons who resided in country villages, or in villages not immediately in the neighbourhood of large towns, to have the bans published in the latter, thus obtaining the means of contracting marriage, which they could never have secured had the bans been published in the place where they lived, and were well known. For the publication of bans, they substituted a notice to be given to the registrar, accompanied with a declaration that no lawful impediment to the marriage existed. The noble Viscount concluded by expressing his hope that the provisions of the Bill would be considered sufficient for the purpose for which they were intended, and considered sufficient, without in any degree trenching on the rights and privileges of the Established Church in this country. He begged to move that the two Bills be read a second time.

The *Archbishop of Canterbury* said, that the object of the Bill appeared to be to afford relief to the Dissenters in respect to the registration of births, burials, and marriages, and also to provide for them a form of marriage which would relieve them from the hardship of coming to a church from which they dissented. To this he had no objection; and he had that day had the satisfaction of presenting petitions from bodies of Protestant clergymen in the metropolis and its vicinity, who had expressed the same opinion. At the same time they entertained strong objections to many parts of this Bill, and he felt these objections so strongly that nothing but a desire to afford relief to the Dissenters could induce him to consent to the second reading of a measure that embodied such principles. Were he to follow the noble Viscount through his statement of the advantages of these Bills, which he would not do, it would be a perpetual contradiction of the noble Lord's statements, for according to his views some objection existed to almost every clause. He was anxious to give to the Dissenters all the relief they could possibly desire, provided it was done without depriving the members of the Church of England of any of the advantages which they now possessed. He might say, that both the clergy and laity of the Church of England were satisfied in general, as far as they themselves were concerned, with the present state of the law, both as regarded registration and marriage. They were perfectly sensible that there were parts requiring amendment; but still those corrections might be applied without going the length which the Bill before their Lordships went. The first thing to be remarked with regard to the Bill was, that it was a compulsory measure. It was to be carried into effect by means which would interfere with the privacy of families; in fact, in an inquisitorial manner; subjecting persons and families to great annoyance, and enforcing compliance with its terms by penalties which would be grievous and ruinous to the poor persons on whom they might fall. The system of registration as now proposed could never be carried into effect in this country. It would press so very hard upon the poorer classes of the people that the system would not work. The Bill for the Registration of Births involved a principle which separated things which always had been united since the establishment of a Christian Church—the naming of the child when it was received into the Church by baptism. There was not one petition which he had received from the clergy which did not insist most anxiously upon that point. The practical effect would be, that when persons had once named their children without going to the church, it would make them careless and indifferent about bringing them to the font. Why should the existing arrangements with the clergy of the Church be disturbed? They had originally had the custody of the registers, and he never understood that they had been accused of faithlessness or negligence in making and keeping the registrations. Certainly, as far as the Dissenters were concerned, the registers were imperfect, because Dissenters did not come to the Church. That was a reason, therefore, why they should have a register of their own; but it was not a reason why the keeping of the registers of the births of members of the Church should be taken from the clergy. He could not see any reason why there should not be a general registry-office, to which should be transmitted duplicates of the registers to be still kept by the clergy of the Church, and and also of the registers which were kept by the Dissenters. If this were done, all the complicated machinery of the measure then before them might be avoided. With respect to marriages, the Legislature had hitherto avoided any interference with the arrangements made by the Jews and the Quakers, and wisely so, because those arrangements were so perfect that it was impossible there could be any clandestine marriages among them. But by the present Bill they were interfering with the Jews, as the Jews were required to give notice to the registrar of any marriage celebrated by them. He had no objection whatever to give to the Dissenters any liberty they might desire, if they gave the same security to the country against the violation of the marriage laws as the Jews and Quakers did. But he had read over these Bills with attention, and he could not say that they gave any such security. Another great objection to the Marriage Bill was, that instead of the parochial divisions which had hitherto prevailed, there was now to be district divisions which would include several churches, so that so far from giving additional security, this alteration would take away that security which the country at present had by the publication of bans in the parish church. It had been said, that under cover of publishing bans all sorts of improper marriages took place. That was a mistake. It was one of the provisions of the Marriage Act, that by publishing bans the parties were not obliged to marry in their own parish. Now there was a sort of fashion in this matter. Some parishes were preferred to others. For instance, the parish of St. Martin and the parish of St. George were favourite parishes, and many marriages took place in them, while, on the contrary, the parish of St. Giles was a most unpopular parish, and nobody married there. This was not done because the parties wished to conceal their marriages, but because they did not like to marry there. In his own parish in the country, in the course of eight years there had been but one marriage. Parties who had been living together without being married, but who were finally driven by their consciences or by other causes to marry, were afraid to expose to their neighbours that they had been living together in their former state of connection, and they would therefore go to some distant parish to be married. Servants also were sometimes afraid of having it known to their masters that they were married, and would, therefore, go to another parish to contract marriage. He was not now speaking against the present Bill. He had been endeavouring, in answer to the noble Viscount, who had attacked the present marriage law, to show that most of those clandestine marriages which took place under bans, were, in fact, very innocent in themselves, and such as he should not wish to prevent. He would now address himself to another point, that of effecting marriages without any religious ceremony. That was a point which was mentioned in every one of the petitions that he had presented on this subject. There was a strong feeling throughout the country against such a plan being authorised. For who were the persons to accomplish those marriages?

They were the registrars. This Bill gave them very large powers, such as that of determining who were persons prohibited by law from intermarrying, and many other points which very often puzzle clergymen, and would, of course, much oftener puzzle the registrar. If it were necessary to authorise marriages of this description, let them be done before a magistrate, before a man of education, who could form a judgment of the matters before him, and whose respectability would give a security to the country that no indecency or improper conduct would take place. It was his intention, therefore, when the Bill went into committee, to propose such amendments as would bring the Bill into what he considered to be its legitimate form and object —that of giving relief to the Dissenter. For although he agreed in what the noble Viscount had said as to the necessity of getting a more perfect register of births, he did not think that was an object worth obtaining at the expense of all the complicated machinery proposed by the Bill. He therefore considered it in the simple light of giving relief to the Dissenters, and that relief he would give as far as it did not interfere with the religious scruples of the members of the Church, as far as it did not disturb the marriage laws, and as far as it did not interfere with those formulæ which had long been held sacred by the people.

Lord *Ellenborough* agreed very much with the Most Reverend Prelate in all that he had offered upon this subject. He considered the Marriage Bill to be intended for the relief of the Dissenters, and the other Bill he supposed to be for the general benefit; but he thought that that benefit had been most grossly exaggerated. He was disposed to give every relief to Dissenters in matters of marriage, to their conscientious scruples, but he did not think, that any of the cases produced justified them in making any alteration in the form of solemnizing marriages. He understood that the rite itself was not altered; but still there was an alteration in the proceeding, in one respect, for instead of proceeding by bans there was to be a proceeding by notice. The noble Viscount had spoken of the uselessness of the bans as now published. This arose out of a proviso in the Marriage Act which enacted that, after the bans, no inquiry should be made as to the actual residence of the parties. Now, it could not be said to be necessary to alter the law on account of the uselessness of the publication of bans, because especial care had been taken to transfer the very clause which rendered the publication useless into this Bill. What he complained of was, that it was proposed not only to take away the publication of bans, but to substitute a notice, in which case there was no chance of publicity. Again, this Bill would make marriage to the poor man more expensive and inconvenient than under the present law. It should be understood that this was a law peculiarly for the benefit of the poor, because the rich could derive no benefit from it. They had no grievance to complain of under the present law. With respect to the poor, this Bill was very onerous, particularly with regard to marriage. Marriage was now attended with very little expense; but it would not be so under this Bill. In addition to all the information the poor man was now called upon to give, he must state his profession or condition in life, the church or other place where he intended to be married, declare whether he or the woman was of age or under age, and state whether he knew of any impediment to the marriage, of which of course he could know nothing at all. But this was not enough. He was required to find two persons who knew him, and also knew the registrar, who were to go with him to the registrar, to declare that they believed what he had stated in his notice was true. The difficulty of this was obvious. Then let their Lordships look at the expense imposed by this Bill. He now paid nothing for the bans; but by this Bill he would first have to pay a shilling for entering the notice; next he would have to travel it might be five or six miles to the registrar: thus would he lose a day's work. The two persons that went with him must be paid for their loss of time, so that the expense by notice would be 3*s.* 6*d.* or 4*s.*, whereas by bans there was no expense. [Lord *Holland*: They pay for publishing bans.] There was another thing which might under some circumstances be of rather serious importance. At present every stranger might forbid a marriage who knew that it was incestuous; but there was no provision in this Bill to prevent any incestuous marriage. He did not impute that to intention; but it was a gross error; and when men took upon themselves to legislate upon matters of so much importance, they ought not to commit such errors. Then, with respect to the Registration Bill—how would that operate upon the poor man? He was required within eight days of the birth of his child to give notice of the birth to the registrar. Now, in no eight days in the year was it more inconvenient for a poor man to be absent for a day from his home. The notice would not be given; but what would be the consequence? If he did not give notice you inflicted upon him a penalty of 20*s.* No less than three weeks' wages; and for what purpose was the notice to be given? It was for no benefit to him. What did it signify to him whether the birth was registered or not? It was required to be done just to gratify the statistical fancies of some few philosophers, in order that they might know how many persons died, and how many were born in a year. If they wished to obtain that information they ought to pay for it, and not make the poor man pay for it, with a penalty. But supposing the poor man omitted to give notice, he was told, that for some reason or other the child should be afterwards registered. Now, observe the peculiar correctness and care of the framers of the Bill not to give trouble. If, after fifteen days, the child was to be registered, some person who was present at the birth must attend the registrar to testify to the birth. It often happened that only three, and sometimes only two persons were present at the birth—the mother being one. How was it possible to get the nurse several weeks afterwards to meet the registrar, who had duties to perform that required him always to be going about the country. Besides this, the poor man, by attending the registrar, would be convicting himself of not having given notice of the birth within eight days; and he would be liable to a charge of 7*s.* 6*d.* for the delay. That was not all; for at the time the notice was given, it was required that the name of the child should be given. Now, it was perfectly well known, that, in point of practice, it was not usual to determine within eight days what the name of the child should be. It very often happened, too, that the name was changed. This change the Bill treated almost as an offence; for if notice were not given of any change made in the name of the child, the poor man was liable to an additional penalty of 5*l.* Was not that a monstrous provision? But it was worse than that; for although he must pay the 5*l.* penalty, he could not get the child registered at all. The Bill positively said that he should not. Surely this was not the way to prepare Acts of Parliament. Their Lordships desired to receive Bills in a shape in which they might pass them. There was one provision of a very offensive nature, and which ought not to be suffered to become the law. It was required that within three days of the death of a person, notice should be given thereof to the registrar, and within eight days the registrar was authorised to obtrude himself on the widow—on the very day, it might be, of the funeral, to answer all sorts of questions, merely to gratify the curiosity of a few individuals who were wedded to statistics. All this was vexatious, and more than vexatious. In his belief more injury was done to the credit of Parliament, and to the respectability and influence of the Legislature by these violent and ruthless interferences with the poor, than any other legislative interference whatever. Having lived a little in the country, and talked somewhat with the people on these matters, he knew what their feelings on these subjects were. But supposing these provisions to be right, how could they be carried into effect by the machinery of this Bill? He had looked into the population returns, and it appeared that the total remuneration, exclusive of what might be received for bans and licences, amounted to about 6,750*l.* per year, and that sum was to maintain about 1000 registrars. The registrar-general would have to receive in every year 88,000 separate papers, all of which he must classify. Taking the average amount of population of an union to be 15,000, and supposing there to be four registrars in the union, these receipts would be 11*l.* 16*s.* It was perfectly impossible to get a man having nothing else to do to perform these duties for the money. But, observe, it was further directed, that the registrar should be continually going about to obtain information with respect to births and deaths; and yet by another clause it was practically required that this identical man should be always at home for the purpose of receiving notices. It was quite impossible, therefore, that the duties of a registrar of marriages, births, and deaths could be done by the same person. Moreover, the Bill enacted, that register-books should be kept in iron boxes, of which two keys should be kept, and no more; but when once the books got into those boxes, he did not see how they could be got out again without the commission of a misdemeanour by some party: for it was a misdemeanour to disobey the directions of an Act of Parliament, and by this Bill it was proposed, that when the books were put in "the register-box shall always be kept locked." How they were to be got out of this locked box would puzzle those who dealt much more in Acts of Parliament than he did to explain. There were many other points on which he had objections to make, but he would reserve them till in the Committee. His wish was, if possible, to make them good Bills, and on that ground he would not oppose their going into Committee.

Viscount *Melbourne* had admitted that there were difficulties in the Bills, but he did not think they were such as could not be got over. He did not agree with the most rev. Primate, that these Bills would take any power from the clergy which they now possessed, but the best place to discuss the details was in Committee.

The bills were severally read a second time.

HOUSE OF COMMONS,

Monday, July 11, 1836.

MINUTES.] Bills. Read a second time:—Post-Horse Duty.—Read a first time:— Justices of Peace Courts (Scotland).

Petitions presented. By Mr. WAKLEY, from Wymondham, for Relief of the Handloom Weavers; and from St. Martin's-in-the-Fields, for Repeal of Parish Vestries' Act.—By Mr. BANNERMAN and the ATTORNEY-GENERAL, from several Places, against Municipal Corporations' (Scotland) Bill.—By Mr. BROTHERTON, from Chorley, that Retailers of Beer may be placed on the same footing as Licensed Victuallers.—By Mr. WILKS, from Gainsborough, for Abolition of Church Rates.—By Mr. H. I. HOPE, from the Medical Profession in Gloucester, Complaining of inadequate Remuneration under the Poor-Law Amendment Act.—By several HON. MEMBERS, from various Places, against Factories' Act Amendment Bill.—By Mr. MAHER and another HON. MEMBER, from various Places, praying the House to Adhere to the Municipal Corporations' (Ireland) Bill as originally passed by the House.—By Sir R. PRICE, from the Legal Profession, Hertford, against transferring to Doctors' Commons the sole Power of granting Administrations.—By the ATTORNEY-GENERAL, from Edinburgh, in favour of Jewish Civil Disabilities Bill.

BALLAD-SINGING — THE VAGRANT LAWS.] Mr. *Potter* said, he had a petition, to which he begged the attention of the House whilst he shortly stated its allegation. It was from a gentleman of the name of Robert Mortimer, a highly respectable solicitor, of Barnstaple, in the county of Devon. The prayer of the petition was for an alteration in the Act of the 5th of George 4th relating to vagrants, and that the House might alter that Act, and remove from it those vague and ambiguous clauses which relate to vagrancy. The petition stated that two boys (brothers), named Callaghan, one aged thirteen and the other only eight years old, were singing duets in a very superior style in the village of Pilton, near Barnstaple. Their songs were perfectly harmless, inoffensive, and of a popular kind. Whilst they were so employed in amusing the villagers, some of whom were so much pleased, that they invited the boys into their houses and gave them refreshments and small sums, they were taken into custody by order of a magistrate (Mr. Bencraft), one of the new magistrates of the borough of Barnstaple. The younger boy escaped, but the other, only thirteen years old, was taken before the magistrate, who, on his own view, committed him to the borough gaol of Barnstaple for fourteen days as "idle and disorderly." The petitioner went on to represent to the House the extreme hardship and cruelty of causing a boy of tender years to be incarcerated in a dungeon for gaining a livelihood by exercising a rare and pleasing natural endowment; and humbly represented that such interference with the harmless amusements of the people had a tendency to drive them to seek recreation in the pot-house or beer-shop, which not only degraded and debased them, but proved ruinous to their families. The petitioner further stated, that in those countries where music and harmless amusements were encouraged, drunkenness prevailed to a much less extent than in England, where the people have from time to time been deprived of nearly all the open places which were formerly appropriated to popular pastimes and games. The petitioner concluded by humbly hoping that the House would speedily cause such amendments to be made in the vagrant laws as would clearly define what may properly be considered as offences under them, and place it beyond the power of magistrates to avail themselves of general and ambiguous words as an excuse for inflicting imprisonment, and treating as common felons persons who exercised their talents for the innocent and rational amusement of the people. In the prayer of the petition he most cordially agreed, and if he could only procure the assistance of an hon. and learned Friend of his, he would next session endeavour to alter and soften the vagrant laws. This case had been brought before the town-council of Barnstaple, where the magistrate who had committed the boy had defended himself by stating the boys were begging. That was denied. They certainly received some trifling sums; but these were given as rewards for their singing. This was not the first case by a very great number where the magistrates had imprisoned persons, and sent them on the tread-mill, for singing in the open air. They should not do so with impunity whilst he had a seat in Parliament. He remembered the period when ballad-singing was encouraged by the magistrates and others; that was at the commencement of the French Revolution, when the ballad-singers were employed to sing loyal songs, to put down what were then called French principles.

The petition to lie on the Table.

FACTORIES—DESERTED CHILDREN.] Mr. Fielden presented a petition from several places praying for a Ten-hours' Factory Bill.

Mr. *Mark Philips* availed himself of that opportunity to correct a mistake into which a right reverend Prelate had fallen, when he stated, that 8,000 deserted children had been found in the streets of Manchester, which was attributed to the factory system. The truth was, that all children found straying in the streets of Manchester were taken care of by the police, the number was a proof of its vigilance, not of the evils of the factory system. Of the 8,000 so called deserted children not ten had been, as described by a right rev. Prelate in another place, abandoned. The rest had merely strayed from their homes, and by the assistance of the police had been restored to their parents. He considered it his duty to allude to this subject in consequence of having received communications on the subject, more particularly as such a statement was calculated to do much injury. It was also asserted, that the poor-rates of that place were extremely high, which indicated distress among the inhabitants; so far from it, the poor-rates were never known to be lower, amounting to only one shilling and fourpence in the pound. It would be very desirable if those who were disposed to acquire correct information on these subjects would have the kindness to proceed to the manufacturing districts and judge for themselves, instead of giving currency to mis-statements.

Petition to lie on the Table.

RAILWAYS.] Sir *Robert Peel* presented a petition from the proprietors of shares in the Birmingham and Derby Railway, against the Bill before the House, for the regulation of tolls on railways. He regretted, not to see the hon. Gentleman who had brought forward the motion in his place, as it was his (Sir Robert Peel's) desire to know from him, what his intentions were respecting the Bill, and whether he was disposed to press it on the House during the present session. This was very necessary, as several parties who had advanced money were kept in a complete state of suspense, while others had been transferring and getting rid of their shares. He, therefore, thought it of importance, if the Bill were proceeded with, that a day should be named for taking the sense of the House on it, as he (Sir R. Peel) would consider it his duty, on principle, to oppose the measure, and he hoped the right hon. the President of the Board of Trade would state, what were the intentions of Government respecting the Bill.

Mr. *Labouchere* believed it to be the intention of the hon. Member for Ipswich (Mr. Morrison) to persevere with his Bill; but in the absence of his right hon. Friend, he was not prepared to say what course the Government would take, on a question which was one of considerable difficulty.

Mr. *Hawes* was gratified in hearing the right hon. Baronet, the Member for Tamworth, declare his intention to oppose the Bill on principle, as it involved many difficulties, and was calculated to be very injurious in its tendency.

Mr. *Robinson* said, his constituents took a deep interest in the question, and without entering upon its merits, he would merely observe, that all they wanted to know was, what the intentions of the Government were. It was rather extraordinary, that upon a question of such importance the Government had not made up their minds; the consequence of which was, that a large amount of capital was paralysed, and extensive operations, in which the public were deeply interested, suspended.

Mr. *Labouchere* explained. The hon. Member misunderstood him if he supposed that he (Mr. Labouchere) had stated that the Government had not made up their minds. He was satisfied that when the Bill was before the House, the Government would be prepared to state what course it meant to pursue; but he could not take upon himself to state what that would be in the absence of his right hon. Friend.

Mr. *O'Connell* said, this Bill created alarm in every part of the empire—the more especially as being brought forward at this period, for many Bills had already passed, and, of course, the interest in these had become vested, and the Bill could not be made retrospective—it would, therefore, be unjust to fix it upon those in progress. He hoped the hon. Member who had charge of the Bill, and who was acting openly, fairly, and honestly, would reconsider his plan, and withdraw the Bill for the present.

Sir *R. Price* said, there was a general excitement on this Bill throughout the country, and it would be necessary to have the opinion of the House on it. Something ought to be done to set the subject at rest.

Mr. *Mark Philips* agreed with the right hon. Baronet (Sir R. Peel), and hoped the discussion would take place as early as possible, so that the public might know how to employ their capital. A great deal of capital was laid out in canals; and upon inquiry, it would be found that no inordinate profit had arisen from them.

Petition laid on the table.

CHURCH AND TITHES (IRELAND.)] Mr. Bernal brought up the Report on the Church of Ireland Bill.

Sir *J. Graham* said, that perhaps the noble Lord, the Secretary for Ireland would permit him to put a question to him relating to certain alterations which he perceived had been made in this Bill, and which were, as far as he understood them, of considerable importance, inasmuch as they affected the question of the surplus, after supplying the wants of the Irish Church. He understood, that the alterations went to raise the *minimum* of allowances in one case from 200*l.* to 300*l.*, and in another, from 100*l.* to 150*l.* If he understood those alterations rightly, the object of the noble Lord was to increase the income of the clergy. The question he wished to ask was, whether those alterations would diminish the surplus upon which the noble Lord calculated?

Viscount *Morpeth* replied, that in order that the nature of the alterations might be clearly known, he intended to move that the Bill be reprinted before the third reading. He had certainly introduced the alterations to which the right hon. Baronet had adverted. One of them was that of increasing the minimum; but as his calculations had been formed upon the maximum, it would make no difference in the result. As to the glebe lands, he was sure that he had made allowance for the change.

Bill to be read a third time, and to be reprinted.

PERSONAL TITHES.] The order of the day for going into Committee on the Personal Tithe Bill having been moved,

Mr. *Goulburn* wished to take that opportunity of expressing his surprise at the introduction of this Bill, which had been read a second time already, the nature of which he did not ascertain until it was sent to him. It appeared to him to be one of the most extraordinary bills that he had ever seen laid upon the table of that House. Without the slightest preamble, that Bill went on at once to say, that all personal tithes should be abolished. Without any plan of compensation, without any inquiry into the effects of such a Bill, it declared that personal tithes should be abolished. Why were these tithes to be abolished without reference to any valuation, or provision of compensation for the loss of them? Was it because it was found difficult to assign any reason why they should be abolished? He had never heard of such a Bill before. There was no preamble whatever; and yet it seriously enacted that personal tithes should be abolished. To pass such a Bill as that would be a defective act of Legislation: and he felt that he should neglect his duty to his constituents, and to those whose interests he had always anxiously watched, if he did not strongly express his opinion against this extraordinary Bill.

Lord *John Russell* was aware that the right hon. Gentleman took a great deal of interest in questions of this nature, but he believed that the right hon. Gentleman was not present in the House during a very long discussion which took place recently upon that question. The general sense of the House was, that personal tithes were very oppressive, that it was difficult to collect them, and that they ought not to be suffered to remain any longer. On the other hand, it had been stated that the clergy were not much interested in them. He had no objection to introduce a preamble to this effect – "whereas it is expedient that personal tithes should be abolished," and so on.

Mr. *Goulburn* said, that if the noble Lord would take the trouble to inquire, he would find that personal tithes formed the greater part of the property of many incumbents. To abolish these tithes without affording the slightest compensation, appeared to him to be a most extraordinary proceeding. Had he been present on the occasion alluded to, he should certainly have opposed the principle of the Bill.

The *Attorney-General* said, he believed that the only personal tithe that would be abolished by the Bill, was tithe on labour. There could be no doubt that tithe on labour could be legally enforced, but to the honour of the clergy, there had been no case of their being exacted for very many years. With regard to the preamble, he believed that this was not the first Bill that had been introduced without a preamble, though such instances had but seldom occurred. He was anxious to see this Bill passed into a law, for the purpose of delivering the Church of England from a source of much inconvenience and odium.

Mr. *Thomas Duncombe* believed that it was in consequence of a motion that he had brought forward that the House came to the determination that personal tithes should be abolished; and it was in consequence of that determination that the noble Lord had introduced the Bill in question. The right hon. Gentleman (Mr. Goulburn) seemed to ask what reason there was for the abolition of this tithe? He would answer, the reason was, that the cause of humanity demanded it. He wished to ask the right hon. Gentleman in what parishes did personal tithes form the greater part of the property of the incumbents? On the evening he brought forward his motion, he stated to the House, that he could find only one case in which the tithe was demanded;—that was the case of a parish in Yorkshire, the clergyman of which endeavoured to obtain 4*s.* 4*d.* from a poor day-labourer, who, in default of payment, was committed to the House of Correction for three months. Was not that fact alone a sufficient reason for the abolition of personal tithes? He was sorry the Bill did not go further, and abolish the tithe on fish. A right rev. Prelate in another place had declared that these tithes ought not to be, and could not be collected—he alluded to the Bishop of Exeter. He believed that Easter offerings were originally substituted for personal tithes, on account of their offensive character.

The Bill then went through Committee, and was ordered to be reported. House resumed.

On the Order of the Day for a Committee on the County Elections Poll Bill being moved,

Female Emigration.] Mr. *Walter* said, it was not with any view essentially to delay the proceedings on the Order of the Day, that he rose to bring forward the motion of which he had given notice, but merely to insure that attention to it which it might otherwise fail of obtaining. He had been waiting for the opportunity which he thought the notice given several weeks ago by the Under Secretary for the Colonies would have afforded him to bring this subject under the notice of the House. He had attended on numerous occasions when the hon. Baronet's notice stood among the orders of the day, but had constantly been disappointed. He would now shortly recapitulate what he stated the other night, that very unjustifiable means had been taken—at least under the semblance of authority—to promote female emigration. All the postmasters in the kingdom had been directed to place placards in the most conspicuous parts of their offices, and to distribute copies among the clergy and parochial authorities, urging young women, with what he should call indecent and improper incitements, to quit their homes. The placard stated, that His Majesty's Government, in order to encourage the emigration of single women and widows of good character to Van Dieman's Land, where the number of females, as compared with the entire population, is greatly deficient, and where all who may conduct themselves with discretion and industry, may calculate in time importantly to benefit their condition, has authorised the Emigration Committee to grant a free passage to such single females, between fifteen and thirty years of age, as the Committee may ascertain to be likely to conduct themselves creditably and usefully in the colonies. The placard went on to say, "that a large proportion of those who had already gone out had married respectable settlers; and altogether the information received of the results of emigration to young women of discreet conduct, clearly demonstrated that all such had importantly benefitted their condition by proceeding to this healthy and prosperous colony." Now he should be able, before he sat down, to show, that if this placard did not assert a series of untruths, as he verily believed it did, it at least painted in far too flattering colours the condition of the emigrants who had left this country. He could assure the House, from inquiry of several intelligent gentlemen, who had returned to this country from New South Wales, the region to which these poor women were invited, that two-thirds of the emigrants were irrevocably and finally consigned to prostitution. [Mr. *C. Lushington:* "No"!—"*Order*" from the Chair.] He advised the hon. Member to be patient; he would hear the statement corroborated on authority which could not be controverted. In this very Van Dieman's Land whole streets had been built for the exclusive reception of such women; and with respect to those who obtained what was called the situation of servants, to what a class were they but too frequently the servants? Very different, he apprehended, from the masters and mistresses of this or any other of the civilized states of Europe. He had inquired as minutely as possible of three gentlemen who had come from those parts to which the Government recommended farther emigration, and he found them all of the opinion that the emigration of more females to the settlements in the southern hemisphere could only prove destructive to the individuals. He might be again told, as he had been the other night, that the Emigration Committee who managed these concerns at home, were men of high character for judgment and humanity. He could only wish, if such were the case, that they would add to those excellent qualities that of a perfect knowledge of the countries and their condition which they incited their fellow-creatures to fly to, by a previous inspection made by themselves. Last year, strong inducements had been held out to British labourers to go out to the West Indies. When our countrymen, and, he might add, our countrywomen, were displaying so much zeal to get rid of West-Indian slavery, they little apprehended that the effect of that measure would be to force whole families of our fellow-subjects over to those colonies to compete with the emancipated blacks, and that labour under a tropical sun would be esteemed preferable to English workhouses under the regulations to which they were subjected by the new law. He had reason to know, that upwards of 1,000 of our countrymen were thus sent out early last year. How many of them remained alive he knew not; but he knew that Lord Sligo, in an address to the Assembly at Jamaica, spoke of the frightful mortality which had taken place among the emigrants. He had referred to the West Indies on account of the efforts which had been made for the abolition of the slave-trade. Now, let the House look at what the slave-trade was, even in the palmy season of its iniquity. They perhaps took and dragged the negroes by force from their native land; in this new slave-trade, as he should presently show, the victims were got out by fraud and misrepresentation. In the black slave-trade, you took them from a barbarous and savage country to one of comparative civilization; in this white slave-trade, you drag them from the very centre of civilization and Christian instruction, to a remote region, of which the accounts were most discouraging to this class of people. The Ladies' Committee in Van Dieman's Land state—

> "That they are particularly anxious to call attention to the practice of sending out to that colony very young girls from the workhouses, schools of industry, or reform, or other charitable institutions. They have experienced the most painful solicitude respecting many of those who have arrived in every ship with female emigrants; and although they have exercised their best care, yet it is lamentable to observe the number of those young girls who have deviated from the paths of virtue. The Committee make this representation from the great difficulty they have always found in procuring situations, in respectable families, for girls from fourteen to sixteen years of age. Few persons are willing to take them as servants; and it has frequently happened, that after having been placed by the Committee in a situation where they would be taken care of, many have quitted those situations and sought a home with abandoned and depraved characters, of whom there are many in this town willing to receive them. The Committee would therefore most earnestly hope that, in future, none under seventeen or eighteen years of age might be induced, by any assistance from the Government, to emigrate to this colony, where the first lesson they learn is that they are free, and subject to no control but such as they are willing to submit to. The Committee are desirous to urge this point very strongly for the serious consideration of the Government, both as it affects the welfare of the young emigrants themselves, and also for the sake of the best interests of the community, which cannot be better served than in promoting the advancement of religion and virtue, and preventing the increase of immorality and crime."

What do this much-lauded Emigration Committee do upon this representation?

Notwithstanding the earnest entreaties of these persons on the spot to send out no females under seventeen or eighteen years of age, they directly invite the parish officers throughout the kingdom to send out more children of fifteen, at a moment when the rigour—a rigour hitherto unknown in this country—of the new Poor Bill disgusts them with the institutions of their own country. Fifteen years of age did he say? Why, he had just been shown a Hobart-town paper of the 12th of February, in which it was proved that children under twelve years of age had been sent out. [Mr. *C. Lushington:* By what ship?] I cannot tell what ship. Here is the paper. He would read, the hon. Member continued, an extract from the paper:—

> "The females which have come to us by the present opportunity, are of unusually tender years to be thus launched upon the world. Contrary to the stipulation, many of them are under fifteen; and about thirty, we learn, under twelve or fourteen, will require to be kept like our own orphans, and reared and educated for some years at the public expense, until fit for service. A person of common sense, whether male or female, will naturally ask these urgers of forced emigration—'If it be so fine a thing, how comes it, gentlemen, that you are not gone?' Example is better than precept—is much better than persuasion based on so rotten grounds. But no; in default of this natural and obvious inducement, flattering pictures, delusive statements, and advertisements of all kinds (paid for, of course, out of our poor acres) are disseminated in all quarters. Most sincerely do we wish that their condition may be ameliorated, though with all the welcome, the disinterested and benevolent intentions, for which the inhabitants of this place are proverbial, much disappointment must ensue. When we find that the heads of these young females are filled with such notions as that 'Van Dieman's Land is a splendid little spot, filled with pretty white cottages, each with single men, of all ranks and callings, waiting for wives,' we cannot hold scathless the authors of such delusion, seeing it is used to induce them to accept it in place of home, and all those ties which, in a female breast in particular, are at once so delicate and binding."

He had heard some Gentlemen, the other night, loudly declaim in favour of emigration generally. Upon this subject, however, he could not help having a strong conviction that there was a great deal of error prevalent — error studiously implanted and widely diffused for that purpose. Let any man look at what the first act in the process of emigration was. It was tearing our fellow-creatures from their homes, from those scenes, connexions, and associations, which in every civilized state are most dear to the heart of man, How could one contemplate the disseverment of so many ties—that was, the infliction of so much misery on our fellow-creatures without pain? "Oh, but," it was said, "we send them to a better place, where they will be better fed, and practise better moral conduct, and be ultimately more happy than they were in their native country." His answer to this assertion, if it were true, would be, "the greater the shame and reproach to that state and government under which any of its subjects can be induced to seek a foreign and unknown clime, in preference to their native land, and in violation of their natural affections." As he should not be entitled to a reply, he felt it right to anticipate some objections that might be urged against him. He was prepared to hear Gentlemen interested in these emigration plans, and who might, perhaps, have important stakes in these new colonies in consequence, give the House a flourishing account of their condition. He should reject all such testimony coming from so suspicious a source. Great stress, also, might be laid on the Reports of some Commissioners or benevolent Committees. With respect to such Reports, and the authors of them, he must observe, that they were too often made for the express purpose of carrying into effect the favourite objects of those with whom such Commissions originated, rather than after a fair and impartial investigation of both sides of a question. He would briefly give the House an example of what he meant. The Irish Poor-law Report had quoted very largely from other Reports, and among them from the English Poor-law Report, in which mention had been made of a parish called Cholesbury. The example of that parish had been made the great stalking-horse of those who frightened people into an approbation of the new Poor-law. Having heard a great deal about that parish, and of the beneficial effects of a benevolent society instituted there for bettering the condition of labourers, by letting out to them small patches of land to be cultivated by spade husbandry, he last autumn visited the place, and what he saw there would always induce him to use great caution in credit-ing the Reports of Commissioners or Committees. It was certainly true, as the Report stated, that the rents of the farms had been absorbed by the rates, and that relief in aid had been obtained from other parishes; but the House would be surprised to hear that all the farms in the parish consisted of only two, of fifty acres each. The whole of the parish contained only 162 acres, of which forty-four were waste. The sudden deaths of the two chief proprietors, and the declining powers of an aged incumbent, contributed, with other causes, to the disorganization of this little parish; and without detaining the House longer by an induction from particulars, it was certain that the circumtances of that case rendered it worth nothing as an example. As to the spade husbandry, which was the chief feature in the construction of the benevolent society, and formed a prominent part of its last year's Report, the least trace of it was not to be found in the parish. Now, if reports of a parish in England not forty miles off, were so erroneous, he might be allowed to have some doubts respecting the Reports, however official, of a country in the southern hemisphere. If he was charged with mis-stating facts, let a Committee be appointed to ascertain the truth. He had thought it his duty to make these circumstances known to the House, in the hope that at least some principles of moderation might be instilled into the present rage for sending our poor fellow-countrymen, and still more our countrywomen, they knew not whither. He should move that "an humble Address be presented to his Majesty, praying that he will be graciously pleased to issue his Royal orders that a placard entitled, 'Emigration to Van Dieman's Land,' which the several postmasters throughout the kingdom have been directed to put in a conspicuous place in their several post-offices, and to circulate among the clergy and the parochial authorities, be withdrawn."

The Speaker asked who seconded the motion?

Mr. Wakley: I second the motion.

Mr. *O'Connell:* Oh, Mr. Wakley.

Mr. *Goring* thought it right to state with respect to Cholesbury, that a large sum of money had been expended in the purchase of land, and furnishing the means of cultivation. He should be able to prove that the society had not been altogether unsuccessful.

Sir *George Grey* said, it was not his intention to travel through the whole of the observations of the hon. Member for Berkshire, who, he thought, had pursued a very extraordinary course. The hon. Member had found a certain placard exhibited in the window of some post-office at a distance from London, offering to the notice of young persons the advantages of emigration. Now, it would not be necessary for him (Sir G. Grey) to say more than what he had said on a former occasion—that these circulars had been issued without the authority of the Government. Whatever might be the sources from which the hon. Member had drawn his information, he trusted that the people of England would not take their idea of the advantages or disadvantages of emigration, from the picture which he had drawn with the assistance of anonymous paragraphs from Hobart-town newspapers The hon. Member was mistaken in saying that people were torn from their families and sent to remote colonies; the fact was, that the emigration of these females was voluntary. He believed that the Committee which had conducted the business of emigration, had done so ably and prudently. He was speaking in the presence of two or three Gentlemen of that Committee, and he believed the measures which had been adopted had been productive of much good in the colonies. He would recommend the hon. Member for Berkshire to examine the Reports and authorised documents which were laid upon the table of that House, instead of collecting his information from newspapers. Considering the great number of females which went out, it was not to be wondered at if some turned out badly. The subject, however, had been taken up in the proper quarter, namely, by the colonists themselves. He could only hope that the statements of the hon. Member would be received with caution.

Mr. *Charles Lushington* was deeply sensible of the indecorousness of intruding upon the public business, matters which related to himself, but he hoped the House would allow him to make some explanations in reference to what had fallen from the hon. Member for Berkshire, in vindication of the Emigration Committtee. The hon. Member had said, that the placard which he had alluded to was unjustifiable and indecent. Before going further, he (Mr. Lushington) would premise that he had been a member of the Committee from the first moment of its organization, and that he had given his anxious and sedulous attention to its proceedings. The House would be pleased to recollect that a great disparity of the sexes existed in New South Wales and Van Dieman's Land, the males being in proportion to the females as three to one. In order to obviate this, Government had been in the habit of granting bounties to single females to induce them to emigrate to those colonies; but in consequence of their being sent out without any protection, and having to find their own passage, they were exposed to great temptation, in fact to seduction, and the most frightful excesses had taken place. A Committee of gentlemen offered their services to Government for the purpose of promoting emigration in a better form. That Committee consisted, he might say without exception, of gentlemen of the most humane and benevolent character, and men who could not be suspected of making false statements for the sake of looking well upon paper. He would beg leave to read an extract from a letter he had received from a clergyman of the Church of England, the reverend Mr. Lyte, of Torbay:—

"I was anxious to say to you, as I saw your name on the Female Emigration Committee, that we had had the ship *Canton*, with female emigrants on board, anchored under our windows in Torbay during the whole of the preceding week; that I had been several times on board with Mrs. ——— and all my family, and that we were all much pleased with the vessel and her inmates. The arrangements between decks were so good as to leave ample room for the free circulation of air; and the ship, though she had been a fortnight or three weeks at sea before we saw her, was as sweet and wholesome as if there had not been ten persons below instead of 200. I really could not have imagined it possible, unless I had actually witnessed the fact, that so many respectable females could have been collected together for the purpose of emigration, or that such excellent order could have been preserved among them. That some exceptionable persons should find their way into so large a company must be expected; and yet really, while we were on board, and we went often and stayed long, we saw not one improper act, nor heard one improper expression. On the Sunday I had the pleasure of giving them Divine service on board; I say the pleasure, because I never saw a more attentive and decorous audience. While I preached to them a kind of farewell sermon, there was scarcely one who did not appear more or less affected. Classed as the females were, as far as possible, according to their congeniality and suitability to each other, the more religious parties of them occupied the after-part of the ship, and were in the habit of having prayer together every evening, and on the Sunday evening, after I had preached to them, this little band received a request from those at the other end of the vessel, that some of them would come forward among them, and commence the same excellent practice in their quarters also, with the hope of carrying it on throughout the voyage. On another occasion we were on board of the ship while the emigrants were at dinner, and could not but remark on the excellence of the fare, and the orderly way in which it was served out. We questioned many of them as to their satisfaction with the victuals, accommodation, &c., and were pleased to find in almost every instance the utmost content prevailing. We also made a little subscription in the towns round Torbay to provide some printed calico for gowns for some of the poor Irish girls who had come on board, many of them without a change. These, though among the poorest, were also among the most well-behaved of the party, and calculated as much as any on board, to shed over our colonies those humanizing traits which the presence of virtuous women usually brings with it."

The hon. Member read extracts from other letters to the same effect. The hon. Member then proceeded to observe, that however distressing it might be to his feelings to advert to such topics, he could not but feel it was due to truth and justice to state, that nothing could be more vicious than was the state of society in that colony, and that its vices were not confined to the lower classes—that he knew one case in which an individual holding a judicial situation came on board a vessel from England, containing female emigrants, represented himself as a married man, hired one of the young women as a servant, carried her off with him, and before many hours passed away, attempted to seduce her. He certainly lost his situation; but who could for a moment doubt that the state of society at the colony was such as in a pre-eminent degree required the interference of a body like the Committee with which he was connected?

Mr. *Walter*, in explanation, said, that the extracts which he had read were from the official paper, he believed, of the Government at Hobart-town, and from the documents laid on the Table by the Colonial-office. As to the denial of the affair at Cholesbury, given by the hon. Member for Shoreham, he could only repeat, that there had not been a rood of spade husbandry dug when he visited the place, and that he had seen all the persons mentioned by the hon. Gentleman. He inferred that nothing more had been done, because the Society had observed utter silence on the subject of Cholesbury in its latest Report. He had used the precaution to take a friend with him, who could confirm his statement. Having stated his views, he hoped it would be felt that he had done his duty in bringing the subject forward, and he now left the House to deal with the motion as they might think proper.

Motion negatived.

COUNTY ELECTIONS.] On the Motion of Lord John Russell, the House went into Committee on the County Elections Poll Bill.

On the 2nd Clause limiting the election to a single day,

Mr. *Goulburn* contended, that no necessity had been made out for such a measure as that before the House, and he saw no remedy in it for that which he considered an evil which was susceptible of remedy, namely, where persons had property in two different counties, they could not vote for both in consequence of the elections being fixed for the same day. Here they were prevented from exercising the franchise in both counties; and this he considered was a subject that ought to be provided for, although it was subordinate in its character. Another question was with regard to expense; and so far from diminishing expense, he thought the present Bill would add considerably to it, for the more the places of polling were multiplied, the more would the expenses of the candidate also be multiplied. He doubted very much whether the diminution of the expenses for conveyances for the voters to go to the poll, would not be equalled by the additional expenses arising from the polling places, which by this present Bill it was intended to create. Neither was he disposed to concur in the principle of confining the polling at elections for counties to one day. Another objection he had to the Bill was, that the elections were not to close until six o'clock in the evening. The consequence, therefore, must be, that they would have in some seasons to be carried on in the dark; and those persons who might desire to return a particular candidate might have the opportunity of so obstructing the poll on the part of the other candidates as to secure the return without the proper authorities being able to determine whether the obstruction was of such a nature or to such an extent as would justify the adjournment of the poll. At any rate, even if this state of things did not arise, he thought that confining elections for counties to one day would materially interfere with the exercise of the right of polling. The points to which he had referred, he considered to be well worthy the attention of the noble Lord before the Bill proceeded further.

Lord *John Russell* said, that the system of reducing the days of polling in counties to two, had worked exceedingly well, and it was considered that by affording additional polling places, and greater facilities for taking the votes than at present existed, that the elections could be as easily accomplished in one day as they had been in two. He could not help thinking it an object of great importance that the Poll should be taken in one day, for he was persuaded that if two days were allowed much greater expense would be incurred, and greater opportunities given for corrupt practices to be carried on and undue influence exercised. It was an object which in his opinion might easily be accomplished: a clause of the same nature as this had been proposed in Committee on the Registration Bill by his noble Friend the Member for Devon, which had been much approved of by the House, and no difficulty was apprehended in carrying that into effect. The objections urged against this clause by the right hon. Gentleman opposite, were objections which must, and indeed were urged, with equal force against the alteration of the time from fifteen days to two. As to the objection urged by the right hon. Gentleman, that it would have the effect of disfranchising a class of voters who had property for which they would be entitled to possess the franchise in different counties,—that a person for instance possessing the franchise in Devon could not, if the time for taking the poll were limited to one day, give his vote for property situated in Yorkshire, which he might do if the time were extended to two or three days, he, (Lord J. Russell) thought it hardly possible that Parliament should legislate for such extreme cases.

Mr. *Forster* could assure the noble Lord that he knew of more cases than one in which by limiting the poll to one day large bodies of electors would be disfranchised,—especially in the case of a town situate on the borders of three counties, the inhabitants of which held property in all three. This evil might easily be remedied by providing that in contiguous counties, the elections should not take place on one and the same day, in order to afford persons who had property in them an opportunity of exercising their franchises in each.

Mr. *Pryme* considered this as an evil incidental to the Reform Bill, and an evil which persons choosing to hold property in several counties must run the risk of incurring. He himself was in the predicament described by the hon. Member for Walsall, and lost several votes in consequence at the last election. A freeholder had always the choice for what property he would give his vote, and he (Mr. Pryme) could not conceive it proper to alter the whole course of elections in the country to meet individual cases of this kind.

Mr. *Baines* would merely give the House the result of his own experience in the working of the present system in the largest electorial division of the kingdom. He could state, from his own knowledge, that the East Riding of Yorkshire, in which there were at the last election 18,000 voters, and he believed there would be 28,000 at the next, the polling was carried on with the greatest ease in two days, and he believed that, by the additional facilities afforded by this Bill, the polling could as easily have been taken in one day as two.

Mr. *Evelyn Denison*: As the law stood at present, the objections urged by the hon. Member for Walsall might hold, but by a Bill which had gone through this House, it was provided that any voter might choose at what polling place in a county he gave his vote: whereas at present he was compelled to give it at the particular polling place of the district in which his property was situate. And surely the voter could have no difficulty even in the case suggested by the hon. Member for Walsall, in selecting the three polling places in the different counties which were nearest to each other, and so be enabled to give his vote in every one of them.

Sir *Robert Peel:* It might be true that when only two days were allowed in practice, the greatest number of votes were polled on the first day, but it did not necessarily follow that the elections should be limited to one day; for it was not quite plain that, if they were so limited, the evils apprehended by his right hon. Friend would not arise. In the first place he considered that if the proposed change took place, those residing in towns would have a great advantage over those who lived at any distance from polling-places. It was to be considered that when the poll closed at so late an hour as six o'clock, there must be greater apprehension of intimidation by the voters, than when those voters had the option of coming in to poll any time in two days. There was, too, a monopoly of carriages to be apprehended—that was more likely to come into operation where the polling was confined to one day. It might be attempted for one day but if there were to be a second day's poll, such an attempt would be defeated by the spirit it was likely to excite in the country. He considered that no evils had followed from the two days polling; no valid reason had been given for the change. As to the argument that expense would thereby be saved it was not quite certain, in his opinion that when (as they must necessarily be) the polling places were greatly increased in number, that would be the case: at all events he was convinced that a gentleman with a long purse would have much greater opportunities of using it under the proposed system, than at present and considering as he had said that no great evil had arisen from the period of two days being allowed, and that greater facilities for undue influence and intimidation would be given under the system proposed to be established by this Bill, he was in favour of the continuance of the present period.

Viscount *Howick* could not help thinking that the right hon. Baronet never had the misfortune to stand for a county, or he would not have said that there was no valid reason for this change. He Lord Howick was convinced that limiting the poll to one day would make a great difference in the amount of expenses, at present very large indeed. But the right hon. Baronet objected, that it would lead to partial inconveniences and he (Lord Howick) was ready to confess that it might be possible to imagine cases in which such inconveniences might arise. But he did not believe they would be found arising to any extent. As to intimidation, he (Lord Howick) believed that in county elections intimidation was of infinitely more rare occurrence than in towns. [*No! no!*]

He granted, that intimidation of a particular description might be more common in counties but he did not think that by limiting the elections to one day the power of the landlords would be increased. He was of opinion that the argument was much more applicable to towns than counties, with the additional polling places contemplated by the present Bill. As to a monopoly of the means of conveyance, if any such system were to be adopted, it must be known before the election took place, and must therefore be inoperative, and under the proposed system the distance which any voter would have to go would be very short indeed.

Mr. *Evelyn Denison*: His noble Friend had said, he could conceive of some cases in which the objections stated by the right hon. Baronet opposite, might arise. His (Mr. Denison's) imagination was not, however, so fertile as his noble Friend's, and he must say, he conceived of no circumstances under which these objections could possibly hold. The great objections of the right hon. Baronet seemed to be, first, that by the late hour at which the polls would close, some voters would be compelled to travel home, perhaps eight or ten miles, in the dark; and then, that the limitation of the poll to one day would facilitate a monopoly of carriages. Now, his (Mr. Denison's) answer to both objections was the same; viz, that under the proposed system, if the additional polling places were properly distributed, no voter would have to travel such distances as to render travelling dangerous in the dark; or as to render conveyances necessary.

Mr. *Goulburn* begged to ask the hon. Member for Nottinghamshire (Mr. Denison) what clause in the Bill prevented a person holding property in the northern, and residing in the southern division of a county, from having to go and give his vote in the northern division? ["*the Registration Bill.*"] But that Bill was not yet law; and he (Mr. Goulburn) was not arguing upon that which might be, but that which really was the law.

Mr. *Evelyn Denison* explained; he understood, that all along the discussion was conducted on the understanding that the Registration Bill would be passed. Undoubtedly, if it were not, he should agree with the right hon. Baronet in the necessity of some alteration in this Bill.

Mr. *Goring* could confirm what was stated by the hon. Member for Leeds, as to the greater number of voters in a county being polled on the first day; and he could add from his own experience that those who polled the second day mostly resided in the vicinity of the polling places; and that if there were any bribery carried on, it was almost always on the second day.

Mr. *G. Heathcote* thought it extremely hard where persons had property in two counties that arrangements were not made so as to enable them to exercise the franchise in both. In towns this was provided for, and he thought a clause ought to be framed by which this difficulty might be obviated.

Lord *John Russell* had no objection to fill up the blanks, by enacting that the poll should open at eight o'clock and close at five.

Sir *Charles Knightley* asked, if 6,000 voters could poll between eight and five on one day?

An *Hon. Member:* In the West Riding of Yorkshire, 13,000 polled in one day.

Sir *Charles Knightley* observed, that in winter it was often dark at half past three. He should object to the clause even as amended.

The question was then put and agreed to, that the words eight in the morning, and five in the evening, be inserted in the blanks, instead of nine and six.

On the question that the clause, as amended, stand part of the Bill, the Committee divided: Ayes 64; Noes 31—Majority 33.

The Bill went through the Committee. The House resumed, the Report to be received.

STAMP DUTIES.] The *Chancellor of the Exchequer* moved the order of the day for the further consideration of the report on the Stamp Duties Bill.

Mr. *Wakley* said, that the impression on the minds of several hon. Members was, that the clause relating to newspapers would not come on that night, and they had left the House in consequence. For himself he must say, that there was not a clause in reference to that subject, which was not a direct attack on the press, and which would not operate as a restriction on the liberty of the Press. There were now five other public Bills on the orders, which had not received discussion, and under these circumstances, and knowing full well that several of his hon. Friends had staid away under the impression that the subject would not be discussed that night, he trusted that the right hon. the Chancellor of the Exchequer would give way for one day, and bring on the subject the first thing to-morrow. Upon the general principle, he felt that he should be obliged to take the sense of the House upon almost every clause in the Bill.

The *Chancellor of the Exchequer* felt called upon to state, after what had fallen from the hon. Member for Finsbury, that it was not intended in any one clause of the Bill, or could it be, in the slightest degree, to impose the smallest restrictions on the liberty of the Press. There was no one clause in the Bill when presented to the House that could by possibility produce such an effect. With respect to the delay asked for by the hon. Member in reference to the subject of the stamp duty on newspapers, he (the Chancellor of the Exchequer) could not consent; he was ready to go into the Committee fully to discuss the clauses; and if the hon. Gentleman was disposed to object to them on the principle which he had raised, he would not hold himself responsible for delay. Every hour he was receiving complaints from the Press from every part of the country in consequence of this object having been postponed, and in consequence of hopes having been held out that the reduction would have taken place on the 5th of July, and calling upon him to proceed with the Bill. He said let the House proceed now with the measure, in order to have an opportunity of deciding upon it; and he must say that it was somewhat extraordinary that those very Gentlemen who last year professed themselves to be the friends of the diffusion of political knowledge, now raised objections on matters, to which if he were disposed to accede, nothing would be more discreditable to him. He had been asked repeatedly at what time he would bring on this question, and he had as repeatedly said that he would bring it on that night, and that he meant to limit the discussion in the first place to that part of the Bill which referred to stamps on newspapers—and that course he had determined to persevere in—a course which had been stated by his noble Friend, the Secretary for the Home Department, on Friday last. Therefore there was no reason for hon. Gentlemen saying that they had been taken by surprise in this proceeding, and he must do justice to the public. The hon. Member for Finsbury must excuse him if he refused to postpone the order of the day till to-morrow, unless such postponement were warranted by more cogent reasons than those which had been given by the hon. Gentleman. Let the division be taken on this point, and let it be seen that, whilst he (the Chancellor of the Exchequer) held out to the public relief to the extent provided for by the Bill, the hon. Gentleman was the person to interpose between him and the public.

Mr. *O'Connell* could not imagine that his hon. Friend, the Member for Finsbury, seriously meant to divide on the question of the House going into Committee; it was very desirable that they should proceed with this very important measure. It was essentially necessary that they should agree to a reduction of duty; the only question at issue was whether the scale of that reduction of duty should be lower. The question which remained behind was one of detail in Committee; and so also were the clauses which went to prevent any persons from printing a newspaper who did not contribute to the revenue. But then arose the doubt whether these clauses were not framed with unnecessary severity? He himself had a very strong opinion that, when they reduced the duty, they ought in the same proportion to reduce the severity of the enactments by which stamp duties were regulated. He thought with the hon. Member for Finsbury that these clauses were unnecessarily severe; and he hoped, therefore, that his hon. Friend would allow the House to go into Committee without dividing.

Mr. *Hawes* had certainly heard the statement that it was the intention of the Government to proceed with the newspaper part of the Bill to-night, and he hoped, therefore, the hon. Member for Finsbury would not oppose the Bill's going into Committee.

Dr. *Bowring* thought his hon. Friend could not complain that he had been taken by surprise, and he also begged he would allow the Bill to go into Committee.

Mr. *Freshfield* had also understood that it was intended to proceed with this part of the Bill to-night.

Mr. *Wakley* insisted that such an understanding had not been entered into by many hon. Members. Neither the hon. Member for Middlesex nor the hon. Member for Bath, who were not now in their places, were aware of it.

The *Chancellor of the Exchequer* denied that he had shown any want of courtesy to Members of that house. The hon. Member for Finsbury was the only person who had made an application to him for postponement, and if it could be shown that any other hon. Member had been taken by surprise, he would not press his motion; but as he felt that due notice had been given, it would be impossible to interrupt the public business. Before they went into Committee, however, he should move that it be an instruction to the Committee that it have power to divide the Bill into two or more Bills, an arrangement which would enable the House, if, circumstances should render it necessary, to proceed with that part of the Bill which related to newspapers as a separate measure. He allowed that this proposition was different from the one which he had formerly submitted to the House, but although he might be charged with inconsistency in pursuing a course which he had before declined to follow, he should never be ashamed of retracting an opinion if he found that it would benefit the public to do so.

Mr. *Goulburn* had never imputed anything like inconsistency to his right hon. Friend for taking the course which he now seemed disposed to adopt, and which he thought it the most advisable to follow.

Mr. *Robinson* inquired whether what had fallen from the Chancellor of the Exchequer was to be considered as an intimation that this was the only part of the Bill with which it was intended to proceed this Session?

The *Chancellor of the Exchequer* would promise not to bring in any other part of the Bill without giving ample notice to those gentlemen who were interested, and if they should offer any opposition to its progress on account of the unreasonably late period of the Session, he would not, on the part of the Government, press the other parts of the Bill. Still he was very anxious that a measure of such extreme importance as the consolidation of this great branch of our law should, if possible, be passed this Session; and he did not yet abandon the hope that it might be carried into effect.

The instruction was agreed to, and the House resolved itself into a Committee on the Bill.

The *Chancellor of the Exchequer* moved that the consideration of the clauses up to 162 inclusive be postponed.

Agreed to,

The *Chancellor of the Exchequer* said that they would then proceed to the clause embracing the actual proposition he intended to make, Clause 163; and in proposing this clause, he wished gentlemen to bear in mind, that the principles which he had avowed in proposing the reduction of the stamp-duty on newspapers were principles leading him to extend protection to those who contributed to the revenue as well as to collect it; and if gentlemen could show him any one clause in the Bill which was not necessary, and justified, as far as regarded these revenue purposes, he would strike it out. He only asked the House to give him the power of collecting the reduced revenue, and of being just to the parties who paid it. In consequence of the omission of the former clauses, it would be necessary to make a new preamble for the Bill, and to leave out schedule A.

Clause 163 having been proposed,

Mr. *Wakley* complained that the new and cumbrous machinery created by this Bill would act as a heavy clog upon the liberty of the press. By this Bill, the 60th George 3rd, the Trash Act, as it was called, was rendered even yet more burdensome and oppressive than it was at present. By the law as it stood, a pamphlet, consisting of not less than two sheets and a quarter, and sold for no less than 6*d.*, might be published as often as the parties pleased. But by the insertion of the words, " or pamphlet" in this clause, pamphlets, whatever number of sheets they might contain, and whatever might be their price, would be placed without exception upon the same footing as what were strictly called newspapers. He should, therefore, propose as an amendment, to strike out the words " or pamphlet" from this clause.

The *Chancellor of the Exchequer* said, the hon. Member for Finsbury seemed to anticipate that the present Bill would have the effect of imposing a duty upon a class of publications which were not entitled to pay a duty at present. When they came to the consideration of the schedules, in which the word "pamphlet" would be more particularly defined, he undertook to show most distinctly that such was not the intention. He hoped the hon Member for Finsbury would consent to defer his objection to the word "pamphlet" until they came to the schedules. If the word were to be omitted in the present clause, parties might be induced to attempt to publish a newspaper under the title of a "pamphlet," in order to avoid the duty. He repeated the declaration which he had already made—namely, that it was only his intention to charge the duty of 1*d.* upon such papers as, by the present law, were entitled to pay the stamp duty of 4*d.*

Mr. *O'Connell* supported the clause as it stood. He should have voted with the hon. Member for Finsbury if he thought that the Chancellor of the Exchequer had fallen into the mistake attributed to him by the hon. Member for Finsbury. His impression was, that if they were to omit the word "pamphlet" in this clause before they had defined what a pamphlet was, parties might bring out a paper called *The Morning Pamphlet* instead of *The Morning Chronicle*, and *The Evening Pamphlet* instead of *The Courier*, with a view to evade the duty.

Mr. *Goulburn* said, that an Act had till lately existed imposing a duty upon pamphlets, and in which, of course, was contained a clear definition of what a "pamphlet" was intended to be considered. That Act having expired, it became necessary, in his opinion, to come to a clear definition in respect to the present Bill as to what was a "newspaper."

The *Chancellor of the Exchequer* said, that if eventually it should be considered that the word "pamphlet" would not comprehend a newspaper under another name, he should consent to its omission when the schedules were being considered. In the meantime he should press its being retained in the clause.

Mr. *Wakley*, referring to the words of the clause, said that it clearly comprehended "pamphlets," as in addition to "newspapers." The words were "newspaper or pamphlet," &c. If the word "pamphlet," therefore, was permitted to remain in this clause, it appeared to him that all the subsequent provisions of the Bill, must necessarily apply to pamphlets as well as newspapers—not only as respected the payment of the penny duty, but also in all the onerous restrictions contemplated by the machinery of the Bill. He thought, before they went further, that they should define more precisely what a newspaper was, apart from any consideration of size or form.

The *Chancellor of the Exchequer* repeated that he should be quite ready to omit the word in the schedule if it were found to be unnecessary to the purposes contemplated by the Bill, and which he had already explained.

Colonel *Thompson* said, if he had rightly understood the Attorney-General to say, that a pamphlet was only a "sewed paper" (*pan filé*), it did appear to be particularly superfluous that the Bill should go on reiterating the words "any paper, or sewed paper;" and if the government really meant to take nothing more by the introduction of the word "pamphlet," it would be better to omit it.

Mr. *Wakley* must insist upon dividing upon his amendment.

The Committee divided on the question that the original words stand part of the clause: Ayes 69; Noes 1—Majority 68.

On the question that the clause stand part of the Bill,

Mr. *Wakley* declared that the Committee had declared that a pamphlet was a newspaper ["*No, no!*"] [Mr. *O'Connell:* "Quite the reverse"]. The Chancellor of the Exchequer had said so at least, though he did not mean it.

The *Chancellor of the Exchequer* said, that it should be recollected that provision was to be made for the free transmission by post of newspapers and pamphlets, and for facilitating in many ways the means of communication. It would be very incorrect to say that a pamphlet *per se*, was to be charged with a duty; but at the same time it should be recollected, that if all pamphlets were to be excluded from the duty they would also be excluded from the benefits of the Act.

Mr. *Wakley* hoped every hon. Member would recollect the interpretation which the Chancellor of the Exchequer had put upon this clause, as it might become highly important on some future occasion.

Mr. *Jervis* observed, that there was a manifest injustice, in his opinion, in the provisions of this clause; for they visited upon the printer of the supplement of a newspaper a penalty for a supposed fraud of which he was not, in all probability, cognisant.

The *Chancellor of the Exchequer* was glad to have the question which arose out of this clause brought under the attention of the Committee by his hon. Friend the Member for Chester. The fact was, that this clause was framed at the earnest suggestion of the newspaper proprietors. When this measure was first proposed, it was suggested to him by the parties to whom he had alluded, that there were often foreign expresses came in at a late hour, which contained matter of great interest, and there were often debates in Parliament which would require much more space than was afforded by the ordinary size of the paper. On these grounds, amongst others, it was urged that if a supplement of a sheet were allowed on the payment of a halfpenny duty, it would be a very great convenience and advantage to the conductors of newspapers, and would not occasion any loss to the revenue. So far he was perfectly willing to go; but if a general power was granted under the provisions of this Act to a paper, for instance, which was published once a week, of bringing out supplements on consecutive days from that on which it appeared, the effect would be to have a publication brought out and continued subject only to half the duty intended by the law. Now to guard against this obvious means of evading the imposition of the penny duty under the colour of halfpenny supplements, the present clause was drawn up, which directed that the supplement should be published of the same date and by the same parties as the newspaper itself. He begged to be allowed to say that he, in the first instance, proposed, and ultimately succeeded in effecting, the imposition of a penny duty, and he certainly was most desirous to protect it from all collusive practices. It was, at all events, a proposal which was introduced for the benefit of the publishers, and which was, in his opinion, well calculated to promote the good of the public.

Dr. *Bowring* thought that the penalties imposed by this clause were very disproportioned; for the printer or publisher was only compelled to pay a fine of 20*l.* for a violation of its provisions, whilst any person who sold such a supplement as the Act forbade, and who might, in all probability, be a very innocent person, was liable to so severe a penalty as 50*l.*

Colonel *Thompson* said, the direction that whenever a supplement to a newspaper was published, words indicating the publishing of the supplement should be printed upon the newspaper, was a superfluous infliction on the newspaper press. The fact was, that in the majority of cases, the newspaper editor did not think of publishing a supplement, till after his newspaper was in whole or in part worked off, which made it impossible to add the words required. The objects of the clause would be obtained just as well without it.

The *Attorney-General* pointed out the fact that these penalties could only be put in force by the Attorney-General, and not on the information afforded by a common informer.

The *Chancellor of the Exchequer* said, that he did not hesitate to comply with the suggestion which had been thrown out by the hon. Member for Kilmarnock to reduce the second penalty provided by the clause from 50*l.* to 20*l.* He was satisfied that the enforcement of these penalties being left in the hands of the responsible law advisers of the Crown ensured their never being imposed without an admixture of clemency and a perfect absence of all unnecessary severity.

Mr. *Wakley* proposed, that before the words "printer or publisher," in this clause, the word "proprietor" should be inserted. He did not see why the proprietor of a paper should be free from those liabilities to which the printer and publisher were subjected by this clause. He believed that it would be difficult, under this Bill, to get a printer or publisher to incur those responsibilities from which those who employed him were exempted. But the fact which accounted for the terms of the clause as it at present stood was this—that it was drawn up by the proprietors of the stamped press of the metropolis, and that the right hon. Gentleman knew nothing of it until it was put into his hands.

The *Chancellor of the Exchequer* said, that he was most anxious to apprise the hon. Member for Finsbury, as well as the House and the public, of the mistake into which the hon. Gentleman had fallen, when he expressed his belief that this measure was proposed by the proprietors of the stamped press, and that the Government knew nothing of it until it was placed in their hands by the parties to whom he had alluded. He was prepared to state, as a matter of fact, coming within his own knowledge, and as such entitled, he hoped, to credence, that there was no foundation whatever for such an assertion.

Indeed, so far were the proprietors of the stamped press from being parties to such a measure, that they were the parties most strongly opposed to any alteration in the present system.

The clause, as amended, was agreed to.

The 164th Clause, who shall be deemed proprietors of a newspaper, was struck out.

On Clause 165, a return of all the proprietors of newspapers to be made to the stamp-office half-yearly,

Sir *George Grey* was understood to say, that he had heard that his right hon. Friend intended, where the proprietors of a paper were numerous, they should be represented at the stamp-office by two of the body.

Mr. *C. Buller* wished to know why the names of the proprietors should not be known? If they were, they would take care not to leave the business of their paper to the control and superintendence of worthless agents. Why should not, he repeated, the proprietors be known, in order that they should, if the manner in which the paper was conducted deserved it, be held up to public esteem; and if it did not deserve it, and that it was made subservient to malicious motives, or to the purposes of slander, that they should be held up to public infamy. He would go farther, and say that if the proprietors were not known they should not be entitled to recover for their property.

Dr. *Bowring* suggested the impracticability of adopting such a suggestion as that which had been given. How could it be possibly acted upon in case the proprietors amounted to a thousand persons?

The *Chancellor of the Exchequer* was quite willing to acknowledge the justness of the arguments of the hon. Member for Liskeard in favour of every fair degree of notoriety being given to the proprietors of newspapers. But the difficulty which he felt upon this question was that which had been expressed by the hon. Member for Kilmarnock, namely, that which arose from a number of proprietors to one concern. He should, however, have no objection to have the names of the persons originally engaged in the proprietorship before the paper started inserted at the Stamp-office. But he feared, that if it were required upon all transfers of shares to have due notice given, such a provision would render the application of capital to the extension of newspapers almost wholly impracticable. He had it at one time in contemplation to propose that the persons who represented a certain amount of the property of the establishment should have their names inserted; but he was really deterred from doing so for fear he should be charged with imposing shackles on the press. He would now be willing to give such a proposition, if proposed by any hon. Member, a fair consideration.

Mr. *Pryme* thought the proposition of the hon. Member for Liskeard would in practice amount to an additional restriction upon the press. By the clause as it stood the public had sufficient protection in the registration of the printer, publisher, and two proprietors. He had stated that the proposition amounted to restriction, because many persons would withhold taking shares in newspaper speculations, inasmuch as they would not wish to make themselves liable to actions for libel. It was sufficient for the public to have two sufficient persons registered.

Mr. *Jervis* remarked, that in the case of joint-stock banks no difficulty arose as to registration, and contended that no person ought to be the proprietor of a newspaper, unless he was prepared to take his share of the responsibility for all that was published within its columns. Such a provision must, he submitted, tend to raise the character of a public journal.

Mr. *Pryme* submitted, that the course suggested would tend materially to deteriorate from the character of the newspaper press. Such a provision would prevent many persons from becoming proprietors, because they would be unwilling to be held responsible for all or any part of the publication to which they might be attached, and thus the control and conduct of newspapers would be thrown into the hands of less respectable individuals.

Viscount *Sandon* was of opinion, that it was contrary to the open character of all our customs and institutions that the proprietors of newspapers should not be known, and be made responsible for every act which they committed, to the same degree that they were in their individual capacity. It struck him that newspaper proprietors, in the same way as the Steam Companies and other companies, should be bound to register on every transfer of shares. He thought it not at all impracticable that the value of the property might be represented by a certain proportion of the proprietors.

Dr. *Bowring* would be glad to know by

what machinery a register to the extent desired by the right hon. Member for Liskeard could be procured. The case of joint-stock banks did not in his opinion apply to that of newspaper property.

The *Chancellor of the Exchequer* said, he was quite ready to assent to the principle of the proposition of the hon. Member for Liskeard, but as the question was one of some importance, he would suggest that the amendment should be deferred until a further stage, in order to allow time for the consideration of the best plan for obtaining the desired register. The only thing he should then stipulate for was, that in any arrangement to be hereafter agreed upon, no unnecessary checks should be imposed upon the transfer of the shares. It should not, for instance, be required that each transfer should be registered at the very time the change took place. His view was, and he only gave it as an impromptu, that there should be a quarterly or half-yearly register, and that it should not be requisite for a party transferring his shares to change such register until the arrival of the ensuing period. If they were to require each transfer to be placed upon the Stamp-office books on the day of its date, great inconvenience and expense would be imposed upon that department. The subject, however, was one for consideration at a future period, and he should reserve all further observations respecting it until it came more regularly under notice.

Mr. *Charles Buller* was of opinion, that in the event of a general registry of proprietors, which it was now probable would take place, it would be very desirable to constitute the Stamp-office registry conclusive evidence of title in newspaper property. If this were done, the trouble and expense of transfer deeds would be saved. Although the right hon. Gentleman had been tolerably explicit as to his views, he hoped he should be pardoned in asking him if it might go forth to the public that his suggestion had been adopted by the Government?

The *Chancellor of the Exchequer* said, that he entirely assented to the principle of the suggestion, but reserved for further consideration the machinery by which it should be carried into effect. Had he not been afraid that by proposing such a measure, he should have laid himself open to the charge of imposing greater restrictions on the press than his duty as Finance Minister required, he should himself have made such a proposition to the House.

Mr. *Warburton* fully concurred in the proposition of the hon. Member for Liskeard, which he was glad to see so readily taken up by the Government. With respect to the machinery by which it should be carried into effect, he would reserve his opinion until the proper occasion for its expression. He hoped, however, that in its framing, care would be taken to prevent a proprietor from registering his name on the first of January, and then on the 2nd putting down the name of an irresponsible person. He thought the principle should be, that the party receiving the profits of the newspapers, should be made liable for its laches.

Mr. *Wakley* expressed his satisfaction at finding the Government favourable to the proposition of the hon. Member for Liskeard. He merely rose to suggest, that the Bill for the extension of the rights of copyright to newspaper publications would present a more fitting occasion for the introduction of the proposition than did the measure under consideration.

Mr. *Buckingham* suggested, that it should be made compulsory on each newspaper establishment to publish the names of its proprietary at stated periods in each year. It was his great wish to see the newspaper press of England edited for the most part by the parties in whom the property was vested.

Sir *Robert Inglis* said, that as newspaper copyright had been alluded to, he could not refrain from expressing his regret that the Bill under consideration did not contain provisions for securing it. It might have been, in his opinion, with great propriety introduced. If, however, that was deemed inexpedient, he trusted that no time would be lost in bringing forward a supplemental Bill. The subject of copyright was one of great importance to the newspaper interests, and should, if possible, be brought to an understanding during the present Session.

The *Chancellor of the Exchequer* observed, that the subject of newspaper copyright was under consideration, and that, though it was one of some difficulty, he had every reason to hope it might form the subject of legislation during the present Session. He thought, however, it was requisite to have it in a Bill distinct from the present. They were then considering a measure of revenue, into which it would be neither convenient or in accordance with precedent to introduce the matter alluded to. He would take that opportunity of alluding to another topic, on which several representations had been made to him. He alluded to the manner in which the stamps should in future be distributed to the several papers. He did not feel that he should be justified in requiring each paper to take out distinctive stamps, but as it appeared to be the wish of a great many newspaper proprietors that such a measure should be adopted, it was determined that by an arrangement in the Stamp-office, any person who should wish a distinct stamp for his paper should be enabled to procure it. He hoped, by this means, that all parties would be satisfied.

Mr. *Leader* was understood to complain of the publication of the stamp return, so long as it was impossible, through the defective arrangements of the Stamp-office, to give a correct idea of the circulation of each paper. He hoped that until better means for arriving at a correct conclusion were devised, no member would think of calling for a newspaper stamp return.

The *Chancellor of the Exchequer* admitted, that under the present system of issuing stamps, the public had no means of forming a correct judgment as to the condition of each paper; but at the same time he doubted whether, as it was not necessary for the purposes of the revenue that it should be ascertained to what papers stamps were issued, it was in his power to propose a remedy for the evil. In a measure particularly relating to revenue he did not see the justice of imposing on parties against their will, any restriction to which they might object. He thought it was quite right to allow all parties who wished for distinctive stamps to have them; but he certainly should be going beyond his jurisdiction were he to make an attempt to compel those who were content with the present system to depart from it.

Viscount *Sandon* disagreed with the right hon. Gentleman, the Chancellor of the Exchequer. He contended, that a distinctive stamp, if made voluntary, would not be productive of any good. The paper that did not adopt it would have an unfair advantage, as far as public impression went, over that which did. It was his opinion it should be made compulsory, or not at all attempted. In the one case a great injury might be inflicted on private property; while in the other no danger of such a result was to be apprehended. He quite agreed that in the present state of the newspaper stamp arrangements, no returns should be called for, inasmuch as they were calculated totally to mislead the public.

The *Chancellor of the Exchequer* had always opposed the production of the Newspaper-Stamp Returns; in the first place, because he saw no Parliamentary grounds for calling for them; and secondly, from the knowledge that, under the present arrangement, they could not impart to the public any thing like a correct idea of the circulation of each newspaper. It was notorious that the present arrangement enabled one paper to take out stamps for several, and consequently to take credit to itself for a circulation considerably beyond its actual one. He hoped, however, that under the new arrangement this defect would be obviated. As regarded those papers which should adopt the distinctive stamp, it was evident the new system must prove effective; and as the Bill contained a clause prohibiting any editor or proprietor of a paper, under a heavy penalty, from procuring stamps except from the distributor of stamps at Somerset-house, he entertained great hopes that all future Returns would give very nearly, if not altogether, and for the first time, the correct circulation of each paper.

Mr. *Pryme* thought there was a very strong objection to the clause prohibiting editors of newspapers from procuring stamps except from the proper distributor. It often occurred that in consequence of an accidental mistake or omission, a paper had not in its office a sufficient number of stamps for a pressing publication, and was obliged to borrow of another establishment. It was well known that papers of different politics often so accommodated each other. Now if this custom were restrained, great injury might be done to property. He should, therefore, when the clause in question came under consideration, move that its operation should not extend to parties borrowing stamps for temporary convenience.

Mr. *Robinson* thought that the proposition of having all the names of proprietors and the transfer of shares registered was a very good one, but he considered that the cumbrous machinery for effecting this purpose was unnecessary, considering the extent of the public press, and the extent it was likely to be carried to. It would particularly operate—and he threw out this suggestion although he was favourable to the principle—disadvantageously to the country newspapers. It might be no great difficulty to the proprietors of the London newspapers to register their names at Somerset-house, but at Manchester, Liverpool, and other large provincial towns where there was a great number of newspapers, and where they would in all probability become more numerous, there would be found great difficulty in the proprietors constantly and periodically registering their names at Somerset-house. There would also be a very considerable expense, which must be paid by some person or other, and this was a point which he wished to draw under the consideration of the Chancellor of the Exchequer. There would be a large expense, there must be additional clerks for this new registration, and a new office. [" *No, no.*"] Well, he might have taken an exaggerated view of this part, but still it could not be denied that there would be great difficulty attending these alterations. He did not, as he said before, object to the principle. He believed that the adoption of the plan proposed by this Bill would very much operate against the establishment of joint-stock newspapers. He did not approve of the establishment of joint-stock banks, particularly for such small sums as *5l.* per share, edited by persons very little more respectable than the proprietors themselves. He did not think that it would have the effect of improving the character of the public press or the morals of the country. He hoped that the Chancellor of the Exchequer would understand that the impression of the House seemed to be, that all the proprietors should be registered, both original and new, and that the right hon. Gentleman would take the subject into consideration.

Clause 165 was agreed to, as were the Clauses to 171.

On Clause 172 being proposed, which enacts that a penalty of a hundred pounds shall be inflicted on any printer or publisher who does not print at the end of the newspaper his christian and surname, and place of abode, with a true description of the house or building in which the paper is printed, or who prints any false name, description, &c.

Mr. *Wakley* put it to the Chancellor of the Exchequer, whether it was fair in this Bill, which purported to be a consolidation of old Acts, they should introduce provisions which were not to be found in any old Act—provisions more severe than had ever been proposed before. It was a most monstrous proposition that any person giving a description of his house, &c. which in any degree varied from the proper description, should be subjected to a penalty of 100*l.* He would move that the penalty be reduced to 10*l.*

The *Chancellor of the Exchequer* said, that if they had not an exact description of the party's residence they would have nothing. There would be nothing to prevent a person printing a newspaper, and giving the residence of the hon. Member for Finsbury. He certainly must adhere to the amount of the penalty imposed by the clause as it stood.

Clause agreed to.

On Clause 174 being proposed,

Mr. *Wakley* objected to the penalties it imposed, as too severe.

The *Chancellor of the Exchequer* said, that it would be a delusion and a fraud on his part to ask the House to impose duties, if he did not also ask the House to give him power to collect those duties. It would be a fraud on his part if he did not by all means in his power endeavour to protect the fair trader, whilst at the same time he used every exertion to put down the unstamped press. The putting down of the unstamped press was the only condition on which he could call upon the proprietors of stamped newspapers to agree to this Bill; and for his own part he could not see any difference between the case of a man who sold smuggled whiskey, and the man who sold unstamped newspapers. They were both alike a fraud on the revenue and upon the fair trader. He did not think that the penalties were by any means too severe, as nothing but severity could put down this illegal traffic.

Mr. *Wakley* was glad to hear that it was the intention of the right hon. Gentleman to put down the unstamped press, but he thought that the existing law was quite strong enough for this purpose, if the right hon. Gentleman chose to carry it into effect. The Government was to blame for not enforcing the law when it was first violated, but the cause of their not doing so then was easily explained. Six years ago, agitation was very convenient and useful, but it was not equally convenient now to have a free press, and that the mass of the people should know what was going on in that House. If any right hon. Gentleman from the other side of the House had brought forward this Bill, the whole country would be in agitation. This Bill was the most severe against the press of this country that had ever been introduced into Parliament. He should be glad if the law were rendered satisfactory; but he contended and insisted, that the people of England had a right to enjoy a free press, and no Government would do its duty in allowing the enactment of such laws as these.

Dr. *Bowring* wished to ask his Majesty's Government whether the struggle in which they were engaging with the unstamped press was worth their while? The clause was calculated to bring ruin upon hundreds of persons. He was happy to see that the revenue was at this moment in a very flourishing condition, and as they had been told that this was a fiscal question, and that in the then state of the revenue it was not possible for the Government to spare the whole of the duty upon newspapers, he thought that all they required was satisfactory evidence to show that the Government, from the improving state of the revenue, could grant this boon. He had never known a subject on which the feelings of the people were more excited. The people entreated that they might have free access to publications diffusing political knowledge; and he trusted the House would respond to the wish. As to the law, *salus populi* was the supreme law; and no sacrifice ought to be considered too great to secure it. If they threw any impediment in the way of the people's acquiring a thorough knowledge of what was going on in the legislature, they would be like the tyrants of old, who wrote their laws in letters so small that nobody could read them. To throw any impediment in the way of the acquisition of knowledge by the people was to do the people great injustice. Whenever laws were passed which were in hostility to public opinion, public opinion would always be found too strong for them; and by such means the law itself was brought into contempt. The new powers given to collect a smaller revenue were a greater evil than was remedied by the reduction of the stamp duty to a penny.

The *Chancellor of the Exchequer* said, that the hon. Member who had just sat down had made use of an argument under circumstances in which he had never heard it used. He could understand the argument if it had been addressed to the question which had been proposed by the hon. Member for Finsbury, for the abolition of the duty. He differed from him on this point. He retained a duty of one penny, and he gave the press an equivalent in the free circulation of papers throughout the land. But the hon. Member, not *à propos* to the total repeal of the duty, but *à propos* to a reduction of the duty, objected to the clause containing a penalty for violating the law and selling papers without stamps. Let the hon. Member bring forward a motion for the repeal of the duty. He had said, that the prisons of the country were crowded with persons for offences against the existing law; he (the Chancellor of the Exchequer) admitted it, and it was his anxious hope that this evil would be prevented. But in ninety-nine cases out of 100, these prosecutions were not instituted by the public, but vexatiously by common informers; and by this Bill prosecutions could be instituted only by officers of Government. It was odd that a contingency should happen, which, for the sake of the logic of the objectors, he hoped would not often be repeated, that whilst the object of the Bill was to relieve the press, he should be told that this was a measure to fetter and restrict the press. He had intended this as a measure of relief, and as an honest measure and an operative measure, and he knew that if the law remained in its present state, and the stamped press had a reduction of duty, the unstamped press would still go on. Gentlemen might think it very easy to abolish the whole duty, but did they think he could carry such a measure? Would they prefer an entirely free press, unaccompanied with a free circulation? Not a single individual conversant with the subject whom he had consulted had not said, that the press had a deep interest in a free circulation of newspapers throughout the empire—that this was a greater benefit than removing the penny stamp.

Mr. *Wallace* was of opinion that it was much better to have a free circulation under a stamp. He was not prepared to say that we were in a condition to have a free postage and no stamp; when he saw we were in such a state, he should be prepared to support the repeal of the stamp; till then he should support the penny stamp. He did not think that those who disobeyed the present law would disobey the new one; but that many who evaded the fourpenny stamp would pay the penny.

Mr. *Charles Buller* said, that though he was on principle an advocate for removing all taxes from newspapers, and did not concur in thinking with the right hon. Gentleman that the free postage was an equivalent for the penny stamp, (for he thought that a farthing stamp would cover postage,) yet he accepted the boon of the right hon. Gentleman. This clause only gave the power to retain the revenue, and if a tax was to be raised, it was essential to provide a sufficient power to secure the tax, but not beyond that. The part of the clause which he objected to was that which enacted, that "if any person shall have in his possession, and without a satisfactory excuse (the proof whereof shall lie on the party accused), any newspaper not duly stamped," he shall forfeit 20*l.* for every newspaper; and that "any constable or other peace-officer" might seize and apprehend any such offender. This was monstrous; it gave a right of search, and the number of offenders against the clause would be so great, that it would bring the law into disrepute. It would be, moreover, impracticable. A keg of whiskey was not half so portable as a newspaper, and yet smuggling of spirits was carried on; and when the importation of bandana handkerchiefs was prohibited, Mr. Huskisson saw that every gentleman could produce one from his pocket. It was utterly unavailing to attempt to enforce a law against so many persons. He proposed as an amendment of the clause, to omit the words "or if any person shall have in his possession any newspaper not duly stamped."

Mr. *Pryme* said, he had had sent him copies of unstamped newspapers, and under this clause he might be sent to hard labour for a month. Would it not be sufficient to impose a penalty on the sale or disposal or distribution of the papers?

The *Chancellor of the Exchequer* said, it would be impossible to collect any fiscal revenue if the Government had not the power of seizing the smuggled articles, whether in the possession of the smuggler or in the possession of any person to whom he might have transferred them. He begged to ask whether any hon. Gentleman believed the law could be enforced without the power to seize the article in possession?

Mr. *Jervis* observed, that under the new law an alarming power was given to constables and peace-officers, too great a power than ought to be given for the mere collection of the revenue. It was taken from a law which was not a law of England, but an Irish Act.

Mr. *O'Connell* said, this clause would give a greater power than was possessed for the collection of the revenue when the duty was four times as high as it was now. Every person ought to be supposed innocent till guilt was proved; but the effect of this clause would be to put the person accused to the proof of his innocence. It might be said that there were some instances of fiscal laws having a similar effect, but there was this distinction between the present case and those referred to—the illegal possession of spirits or tobacco was established by showing that the one was held without a licence, but what guilt could there be in merely having possession of a printed paper? Persons might have unstamped papers in their possession without a guilty knowledge. It was believed out of doors that this Bill was meant to be a gagging Bill; he did not believe that, but he trusted it would not be persevered in, so objectionable as it was felt to be. It was impossible for any one to vote for the clause without feeling that he was voting for that which would violate every principle of justice.

Mr. *Villiers* urged on the right hon. Gentleman the consideration, that when laws ran counter to the public feeling they became a dead letter. The proposed law was opposed to the feeling of the country; it was considered that its object was rather to suppress intelligence than to facilitate the collection of the revenue. It would expose the poor man to great hazard, inasmuch as he might be violating the law without knowing that he was doing so. Any one might go and place in the poor man's cottage an unstamped paper, and thus render him liable to a heavy penalty. When a law was capable of so much mischief, the people would be very scrupulous in applying it.

The *Chancellor of the Exchequer* said, he had looked at the clause in the original Act now before him, which provided that a person having in his possession a newspaper not duly stamped was subject, as in this Bill, to a 20*l.* penalty. The difference between the two clauses was this. The words in the 38th of George 3rd, were having "knowingly and wilfully" an unstamped paper in his possession. At present the great distribution of unstamped papers did not take place under any act of sale; they were distributed at public houses. If they allowed the possession of these papers to be free from penalty, there would be an end to the penalty in other cases, because they would not be able to prove the fact of sale; that would be evaded, and thus the practice would continue unabated. He had no objection to insert in this clause the very words he found in the other Act, namely "knowingly and wilfully," because he believed that with this alteration the Act would afford the means of meeting the cases to which he had alluded.

Mr. *Jervis* asked, whether the power was to be retained which the Bill gave to peace-officers?

The *Chancellor of the Exchequer* said, the proposed Bill was a limitation of the present Act in that respect. The five hundred cases of prosecution of which there was a return before the House, were not at the instance of the law-officers, but at the instance of common informers.

Mr. *Robinson* said, that there were preparations already made for evading this law. He had seen the prospectus of an unstamped daily paper, to be conducted by a Member of that House. The same course, therefore, was to be pursued under the new system, and the Government were to be forced to abandon this duty as they had the former. He thought that Government should be exonerated from the charge of improper motive in this clause, which was necessary, in order to protect the revenue. It would have been better if they had gone to the fountain head, and not punished persons in humble life, who had no other way of gaining a living, and suffered persons in higher rank to pass with impunity.

The *Chancellor of the Exchequer* said, that the effect of the clause, as he proposed to alter it, would be, as far as regarded persons having unstamped papers in their possession, to leave the law as he found it. He proposed to take the words in the statute of 38th George 3rd; those words were "knowingly and wilfully;" and he proposed further to omit the words to which objection had been made. This would throw the onus of proving the offence on the party making the charge.

Colonel *Thompson* said, there were provisions in a future clause (233) directly opposed to the amendments or explanations now offered by the Chancellor of the Exchequer. He noticed this now, that it might not be forgotten when the clause was come to.

Mr. *Aglionby* suggested the addition to the words "knowingly and wilfully, of the words, "without sufficient excuse."

The *Attorney-General* observed that "knowingly" was to be interpreted persons taking the paper knowing that it was not stamped, and "wilfully" with an intention to violate the law. The clause, as amended, was agreed to.

Clauses to 179 agreed to. The House resumed; Committee to sit again.

HOUSE OF LORDS,

Tuesday, July 12, 1836.

MINUTES.] Bills. Read a second time:—Fisheries' Company (Ireland).—Read a first time:—Insolvent Debtors.

Petitions presented. By Lord HOLLAND, from the Prisoners in various Gaols, to be heard by Counsel for Imprisonment for Debt Bill.—By the Marquess of WESTMINSTER, from the various Parishes of Westminster, that the Jurisdiction of the Westminster Court of Requests may be Extended to the Recovery of Debts not exceeding 5*l.*—By Viscount MELBOURNE, from the Dissenters of the King's-Weigh-house Meeting, Fish Street Hill, London, for Registration of Births' Bill.—By the Bishop of LINCOLN, from the Parish Clerks of various Places, for Compensation in the event of the Registration of Births' Bill passing into a Law.

MUNICIPAL CORPORATIONS (ENGLAND)—CONFERENCE.] A conference was held with the Commons on the subject of the amendments made by their Lordships in the English Municipal Corporations Act Amendment Bill.

The reasons of the Commons for not agreeing to certain amendments made by their Lordships in the Bill were communicated to their Lordships, and ordered to be taken into consideration on a future day, and be printed.

TITHE COMMUTATION (ENGLAND.)] The order of the day for going into Committee on this Bill having been read,

The Marquess of *Lansdowne* said, it was his intention to propose the insertion of a clause, empowering the Commissioners to offer terms of accommodation, where the land had been brought into cultivation within the last seven years. The noble Marquess also said, it was his intention to extend the time of voluntary commutation for one year more.

The Bishop of *Exeter* was desirous of making one or two observations before the House went into Committee. He was ready to admit that this Bill would not operate prejudicially, if certain amendments, which he believed were likely to be proposed, were to be adopted. As trustee, however, not only to the present, but future generation of clergy, he felt that he should not be discharging his duty if he did not strongly urge the sacredness of the rights of those clergy, which were involved to a considerable degree in this Bill. It had been said, that the benefits arising from the fresh application of capital should be entirely confined to landlords. Now, in that opinion he did not agree. He thought the Church had an equitable right to a participation in the benefits arising from the fresh application of capital. But it was not by that means alone that the value of land and of tithe was increased. There were other means quite distinct from any capital, or any peculiar merits possessed by individuals. There were, for instance, the improvement in the arts, which tended to increase the productiveness of the land. In all these benefits he conceived the Church was entitled to a fair share. If their Lordships looked back to the reign of Henry the 8th., they would perceive that the valuation then made approached very nearly to the actual value—probably it was something below it; and if the principle of this Bill had been adopted at that period, one of the best livings in the gift of the Lord Chancellor of England now would not be of greater amount than 80*l*. He would not even ask their Lordships to go as far back as that period, for within their own recollection the circumstances connected with land and the income of tithe-owners had been very much altered. He hoped there was no disposition in that House to lower the position of the clergy; but by fixing at once and for ever their rate of income, according to the relation it now bore to the land and the other interests of the country, they must be prepared to find their standing, at no distant period, completely altered, and the interests of justice and religion most seriously injured. He was not prepared with any specific proposition on the subject, but he did hope some provision would be made for a periodical adjustment of their income.

The Marquess of *Lansdowne* could not agree with the right rev. Prelate. The objection he had urged went to the very principle of the Bill; and he should, therefore, oppose any suggestion, in whatever form it might be offered, intended to accomplish the object the right rev. Prelate professed to have in view.

Lord *Ellenborough* thought this Bill would confer a very great advantage on the public generally, inasmuch as it would essentially contribute to extensive improvement in the cultivation and productiveness of land; but that advantage was as nothing compared to the benefit it would confer on the Church, not only in securing its property, but in especially promoting its usefulness in the satisfactory performance of all religious duties. Although, therefore, he had certain amendments to propose, not of a very important character, he was generally disposed to support the Bill as introduced by his Majesty's Government.

The Bill went through the Committee with various amendments.

The House resumed, the Bill to be printed, and the report to be received.

HOUSE OF COMMONS,

Tuesday, July 12, 1836.

Minutes.] Bills. Read a third time:—Turnpike Roads (Ireland); Arms (Ireland); Small Debts (Scotland); Owners of Vessels Liability (Ireland).—Read a second time:—Richmond Penitentiary; Corporate Property.—Read a first time:—Poor Law Amendment; Dean and Chapter of Worcester's Estate.

Petitions presented. By Mr. Hutt, from Kingston-upon-Hull, for Charitable Trustees' Bill, and for Abolition of Church Rate; and by Mr. Grote, for Jewish Civil Disabilities' Bill.—By Dr. Bowring, from Dumbarton, for Municipal Corporations' (Scotland) Bill.—By Sir Michael Shaw Stewart, from the Weavers of Johnston and Kilbarchan, for Relief.—By Mr. R. Pigott, from Bridge-North, against any interference with the Privileges of the Upper House.—By Mr. Cuthbert Ripon, from Gateshead, for Reform of the House of Lords.—By Colonel Thompson and Mr. Wakley, from Kingston-upon-Hull and Kibworth, for Repeal of Poor-Law Amendment Act.—By Colonel Thompson, from Glasgow, for the Interference of the House for A. T. Beaumont, he being Imprisoned in France.—By Mr. Pryme, from Licensed Victuallers, Cambridge, for Repeal of Additional Duty on Spirit Licences.—By Mr. Clay, from Retailers of Beer, Tower Hamlets, to place them on the same footing as Licensed Victuallers.—By Mr. Pryme and Mr. Clay, from various Places, for Recovery of Tenements' Bill.

Railways—Revision of Tolls.] Mr. *Sanford* presented a Petition from the Shareholders in the Bristol and Exeter Railway Company, against the Railways' Revision of Tolls Bill. He wished to know from his hon. Friend the Member for Ipswich whether it was his intention to press the Bill through this Session. It had already produced the most baneful effects. By the mere introduction of it, a panic had been created throughout the country, of which his hon. Friend could scarcely be aware.

Mr. *Morrison* said, that he found himself in an embarrassing situation on this subject. He was, on the one hand, very strongly impressed with the importance of the Bill he had introduced, and he was most anxious that it should pass this Session. Since he had brought the subject under the notice of the House, he had received communications from a vast number of persons well acquainted with what would be the probable effects of such a proposal, and he found that they were all of opinion that some measure of the kind was absolutely necessary. For his own part he retained his opinion on the subject; indeed, that opinion had been strengthened and confirmed since the introduction of the Bill, and he was now more convinced than ever that some such measure was indispensable for the security of the public. He was aware, however, on the other hand, that at that late period of the Session it would be extremely difficult to carry a Bill which was likely to encounter considerable opposition. He had come therefore very reluctantly to the conclusion that he ought to withdraw the Bill for the present Session. Another reason for doing so was, that many Members who would support the Bill had been obliged to leave town. Another reason was, that a measure had been adopted in the other House for inserting a certain clause in all Railway Bills now in progress that rendered the passing of this Bill this Session of less importance. When he originally introduced the Bill to the House, the proposal met with the universal approbation of the Members. The House then not only readily adopted all that he recommended, but hon. Members were even disposed to go further than he did, which was to include all Railway Bills then in progress through both Houses in the Bill, for they proposed to include railways that had been passed some years ago. He believed that a large majority of the House was still favourable to the measure. He was persuaded that a large majority of the trading classes of the country were favourable to it. As, however, he saw no chance of being able to carry it this year, he was obliged reluctantly to withdraw it. He begged at the same time to give notice, that early next Session he would bring in the Bill again for a similar measure.

Mr. *Baines* merely rose for the purpose of preventing a misapprehension from going abroad that the majority of Members in that House were favourable to the measure. He had taken some pains to ascertain the opinions of hon. Members on the subject, and he would state, that so far from there being a majority in favour of the Bill, there was a large majority against it. Those interested in railway speculations could know that there never was a measure more obnoxious to the majority of that House.

EXTENSION OF PAPER DUTIES.] Mr *Thomas Duncombe* presented a petition from two individuals resident in Bunhill-row, City, who were proprietors of a patent that had been granted to an individual of the name of Williams, in 1833, for the manufacture of an article to be substituted in many cases for paper and leather. They stated that at the time the patent was granted the Excise Board had reported that the article in question could never be considered paper, and that it would not be liable to paper duty—that they (the petitioners) had laid out a capital of 10,000*l.* in the manufacture, and that they now found that in the Paper Duties Bill, which stood for a third reading that evening, a special clause had been introduced rendering this article liable to the excise duty. The petitioners thought that they had a right to complain of this as a gross case of injustice. The operation of the clause in question would prove ruinous to the manufacture of this article, of which great use would otherwise be made in the railroads to prevent the jar between the iron trams and the stones. As the good faith of the Excise Board was implicated in this matter, his right hon. Friend should, at all events, permit the petitioners to manufacture the article without the imposition of a duty until the expiration of their patent.

The *Chancellor of the Exchequer* said, it was true that in the year 1833 an individual who was about to establish a particular manufacture applied to the Board of Excise, and laid before them a specimen of the article which he intended to manufacture, and out of which were to be made papier maché, &c. He was then informed that such an article would not be liable to excise duty. A further application was made to the Board in 1835, and it was then first discovered that an alteration had been made in the manufacture so as to render the article liable to the paper duty. The parties were accordingly informed that it would be proposed to Parliament not to interfere in the slightest degree with the original article as manufactured in 1833, but to impose a duty on the altered manufacture of 1835. As, however, there existed a difference of opinion between the petitioners and the officers of Excise as to the statements made, and as the imposition of a duty might involve a breach of engagements he would postpone the third reading of the Bill, and would to-morrow, at an interview which he intended to give to the Excise-officers and the petitioners, take care to hear both sides of the question. If he should then find that the statements contained in the petition were correct, he would introduce a clause into the Bill saving the petitioners from the duty for the period of their patent.

Mr. *Duncombe* said, that the proposal of his right hon. Friend would be quite satisfactory to the petitioners.

Petition to lie on the table.

BALLAD SINGING.] Lord *Ebrington* hoped the House would indulge him while he called its attention to the petition presented yesterday by the Member for Wigan (Mr. Potter) from a solicitor at Barnstaple, complaining of the arrest and imprisonment of a boy there for ballad singing, by one of the magistrates of the borough, he would beg leave to read a statement from the magistrate in question. That magistrate stated that he had some time ago committed on his own view a boy of eighteen years of age for singing and begging in the streets, that the boy was one of a whole family which the father and mother sent about the country to beg, and that they subsisted on the product of their children's begging. The magistrate added, that the case had been brought before the town-council in his absence, but at their next meeting he laid before them a statement of facts which had satisfied them and the public of Barnstaple of the propriety of his conduct. He must inform the House that he had known the gentleman in question for many years, and he was sure there was no individual less likely to exercise his authority as a magistrate in an arbitrary or unjust mannre. He believed that his conduct as a Magistrate had given general satisfaction to the town-council and inhabitants of Barnstaple.

Mr. *Potter* said, that the main fact of the committal of the boy was admitted, and that he thought a subject for complaint.

Subject dropped.

FRENCH DUTY ON WOOL.] Sir *Charles Burrell* said, that on Friday evening, the right hon. the President of the Board of Trade, had, in answer to a question from an hon. Member (Mr. Heathcote), stated, that the French Government had at length made a reduction in the duty on British wool. The duty hitherto had been so high as thirty per cent., while we admitted French wool and woollen manufactured goods at a nominal duty. As the subject was one of the greatest interest and importance to the agricultural community, perhaps the right hon. Gentleman would be good enough to state the amount of reduction which had been made in the duty by the French Government?

Mr. *Poulett Thomson* said, that the duty had hitherto been thirty per cent., but that the French Government had consented to reduce it to twenty per cent., which reduction had been confirmed by an ordinance, and by an Act passed in the late Session of the French Chambers. That was a reduction of ten per cent., which he supposed the hon. Gentleman would regard as a considerable one.

Subject dropped.

SHIPS FOR TRANSPORTING CONVICTS.] On the Order of the Day for going into Committee on the Lighthouse Bill being ready,

Mr. *Goulburn* said, he wished to put a question to the hon. the Secretary of the Admiralty, not certainly on the subject of lighthouses, but in reference to maritime concerns, and therefore not entirely unconnected with that subject. It would be recollected that some time ago he had called the attention of the House to the unhappy loss of two convict ships, which were wrecked on their voyage to New South Wales. It was the general understanding of the House that care should be taken in future to select seaworthy vessels for this service. Now, he understood that two ships, second-class ships, he believed, had been recently taken up for this purpose; the one, the *Marquess of Huntly*, had been built thirty-two years, and the other, the *Bengal Merchant*, was twenty-four years old, having been built in the year 1812. He understood that these ships had been taken up by Government for the conveyance of convicts to New South Wales, and he wished to know whether that was the fact or not.

Mr. *Charles Wood* replied, that although it was quite true that two ships had been lost, neither in one case nor in the other had the catastrophe occurred in consequence of any want of seaworthiness in the vessels, one of which was lost in making a dangerous passage during the night, and the other in consequence of the neglect of the master, and his ignorance of the coast. It had been agreed that all ships taken up for the transport service, should be of the class ranked A 1; and he assured the right hon. Gentleman, that a strict survey was always made by the proper officer, and the Lords of the Admiralty did not feel themselves satisfied until they received the Report of that officer. Immediately after the discussion which took place on this subject on a former occasion, he directed a full inquiry to be instituted into this service, and no vessel was finally taken up until she had been strictly surveyed and reported to be seaworthy. With regard to the two vessels named by his right hon. Friend, it so happened that one of them was not engaged to be sent out on this service. The other which had been accepted took out convicts last year, and returned with a large and valuable cargo, which she delivered in safety. The *Bengal Merchant*, which was built at Calcutta in 1812, was a teak ship, and therefore must not be considered in the same light as a vessel built of a less durable material. In conclusion, he assured the right hon. Gentleman, that no pains either had been, or would be spared on the part of the Admiralty, to engage ships duly qualified for the service.

Subject dropped.

LIGHTHOUSES.] The House went into Committee on the Lighthouses' Bill.

Clauses 1 to 40 were agreed to.

Upon Clause 41 being proposed,

Mr. *Warburton* objected to it. He thought that the Ballast Board of Dublin, the Commissioners of Northern Lights, and the Trinity House, ought all to be placed under the control of a Central Board, that Board being under the superintendence of the Admiralty. His second objection was, that the Trinity Board was to have a control over the other Boards as to the mode in which the lights were to be used. He remarked that the members of the Trinity-board received 6,000*l.* a-year in salaries, while the members of the Ballast Board in Dublin and the Commissioners of the Northern Lights acted gratuitously. He did not know why the members of one Board were to be paid 300*l.* a-year each, while the others did not receive or seek for any payment for their services. He did not know why the members of the Trinity Board should not be under the superintendence of the Commissioners of Northern Lights, as the latter be under the control of the former. It was his opinion that the past conduct of the Trinity House Board was not such as to entitle it to the exercise of the increased powers proposed to be conferred on it by this Bill. He objected also to the constitution of the Board, in which there were no scientific men, no naval captains—that it was a Board self-elected, and consisting exclusively of the captains of merchant vessels. In proof of the soundness of his objections, he read a letter from one of the Commissioners of the Northern Lights, showing the inattention of the Board to the establishment of lighthouses, subsequently erected by other Boards, and the difficulty of inducing them to adopt improvements in the mode of lighting. He proposed as an amendment, that all the words after the word "that" be struck out of the clause, for the purpose of introducing an amendment.

Mr. *Poulett Thomson* said, that the object of the amendment was to put an end to the powers now possessed by the Trinity House. The Trinity House, however, enjoyed certain powers over the whole lighthouses of the kingdom nearly. Those rights they held under various Charters and Acts of Parliament; and his hon. Friend would deprive that body of the powers which they had exercised, he must be permitted to say, so properly and advantageously for the country; and he sought not merely to alter the Bill, the object of which was to give the Trinity House Corporation additional powers, but he, at the same time, suggested various grievances, as against the constitution of the Trinity Board. Now he would ask whether the plan which had been suggested, would afford a remedy for those grievances. His hon. Friend complained of the constitution of the Board, of the salaries of its officers, and of the whole conduct of the Trinity House; and he had said that from their past conduct he was not inclined to vest further powers in that body. The redress which his hon. Friend proposed, would not remedy the defects in its constitution; but he would have another Board for the supervision of that of the Trinity House. Now the supervision of the Admiralty would not change the constitution of the Board. If his hon. Friend had referred to the Report of the Committee, which sat on this subject in the year 1822, he would have found that they recommended that the Trinity House should be continued in possession of the powers which were confided to it. That Select Committee recommended, that the general public lights should be placed under the Trinity House. This was more than the present Bill meant to do. The question of substituting the authority of the Admiralty, was one which was discussed before that Committee, who came to the decision, without a division, that the Trinity Board was the best Board to which those interests should be deputed. Surely, then, it would be absurd, after the two solemn inquiries into the subject, to make the alteration proposed by his hon. Friend; because (he supposed) some party who had invented some supposed improvement in lighting lighthouses had not exactly succeeded. But let it be remarked that the Trinity House was a Corporation, incorporated by ancient charters, and if they took from them their property, they must make them compensation, so that no saving of expense would accrue to the country. He was not in favour of self-elected bodies, but he believed there was less inclination to jobbing in the nomination of their officers, than there would be if the powers of the Trinity House were vested in other hands. He had besides a very strong opinion upon another point. He approved most entirely of the rules of the Corporation of the Trinity House, that the masters of merchant vessels should be chosen for the officers of that body. He thought it a good and wise principle, to hold out to those men that sort of station in order that hereafter, we should have a better description of persons of that class; for he had in many instances found that, on commercial matters, these masters were lower in the scale, as to information, than they ought to be in this country, or than the same men were in America. He should be sorry, he repeated, to see the composition of the Trinity Board altered, it being the only office of trust open to, or, he should rather say, exclusively open for the captains of merchant vessels. If they were to admit officers of the navy, for instance, great interest might be made by the Admiralty or some other power, for Captain A. or Captain B., and he thought it better they should have as Members of their Board, hard-working, practical men. Since the Report of 1822, the Corporation had considerably reduced the dues in several instances, and they had always evinced the greatest readiness to carry out any practical suggestions of improvements; and, when his hon. Friend complained of certain pensions granted by the Corporation not having been abolished, he must say that they ought not to be discontinued. When the hon. Gentleman spoke of the two lighthouses which had been erected on the Isle of Man by the Commissioners of Northern Lights, he must observe that the question was, not how many lighthouses might have been put up by particular bodies, but it was, whether the coast in which they were placed was sufficiently lighted.

Mr. *Cutlar Fergusson* was understood to say, that as to the Board of Northern Lights, there never was a more irresponsible body; it was composed chiefly of lawyers of Edinburgh, men who, from the very nature of their profession, were, and must be, incompetent to carry on the important trust committed to their charge, though he believed they had generally acted with great zeal, and with the most perfect disinterestedness. They had, however, never once called to their Councils, any of the Sheriffs of the maritime counties. The petition which he had presented on a former occasion prayed, that every Sheriff of the maritime counties should be a member of this Board. The hon. and learned Member stated the fact that, along the coast of Kirkcudbright, there had been lost, in the course of the last thirty years, no less than sixty-six ships, many of them with the crews, he believed almost in every case for want of a lighthouse on the island of Little Ross. On the whole coast, there was one harbour of refuge to the mouth of the Dee. There was a roadstead, (and he vouched for the truth of his statement,) sufficient for fifty or sixty vessels to ride at anchor at low water, and wait for the tide, and sail up to the bay of Kirkcudbright. All these petitioners asked was, that a lighthouse should be erected, which would not cost more than 1,200*l.* He approved of the general principle of this Bill, but thought that the Scotch Board required revision.

Mr. *George F. Young* confirmed the statement made by the right hon. the President of the Board of Trade with reference to the good management of the Trinity House. He (Mr. Young) did not defend the self-elected constitution of that Board; but the Committee had decided, that no better constitution could upon the whole be devised by them, and the hon. Member for Bridport had not favoured the House with any plan on this subject. He cordially concurred with the right hon. Gentleman, the President of the Board of Trade, in the importance of confining the Board to merchant seamen officers. He was, moreover, perfectly certain that the constitution of that Board was every day improving. He objected to any proposal for interference on the part of the Crown, recollecting under what circumstances four lights had been renewed some years ago, to which he would not trust himself to refer further. The Trinity Board had not the power to erect a light except upon application from those connected with maritime commerce. He thought it would be impossible to have the business of lighthouses in better hands than in those of the corporation of the Trinity House. He thought commerce would derive great benefit from the passing of this Bill.

Sir *Edward Codrington* did not think it fair that naval officers should not be allowed to take their seats on this lighthouse Board. It was true they were excluded by the resolution of the Committee; but there was a compromise which included that resolution. He (Sir E. Codrington) agreed that the constitution of the Trinity Board might be so far right, that a majority of its members should be merchant seamen. But he must say, that in his opinion masters, lieutenants, captains, &c., in the navy were as able to decide where buoys and lights might be most properly placed, as any merchant officers. Indeed, more so; for it was much more their profession than it was that of gentlemen in the merchant service. He considered the speech of the right hon. Gentleman, the President of the Board of Trade, as a very mercantile speech altogether, [*laughter*,] and as advocating exclusive sentiments not worthy of his station and character.

Mr. *Robinson* thought the only question for the House to decide was, whether under the Bill proposed by the Government, the object proposed to be attained—a good system of lighting, would be better attained than under the amendment of the hon. Member for Bridport. And with all the respect which he (Mr. Robinson) entertained for that hon. Member's scientific knowledge, he felt himself compelled to say, that he must support, not his proposal, but the Bill as framed by the Government. The hon. Member for Bridport had argued this question as though all the lights in the country were to be placed under the absolute control of the Trinity Board. That was not the fact. The Ballast Board of Ireland, and the Commissioners of Northern Lights in Scotland, were to suggest where they consider new lights may be advantageously placed, or in what manner alterations may be effected in the old ones, and it was only provided that they should not have the power of either erecting or altering until the Trinity Board's concurrence had been given. That was in his opinion a very wise provision; but then let it be remembered, that it was combined with an appeal to the Privy Council; and thus you would have first, the local experience of the two Boards he had mentioned; then the practical knowledge and scientific assistance of the Trinity Board, and lastly an appeal to the King in Council. This was not the proper time to discuss the merits of the constitution of the Trinity Board, but he agreed with the right hon. President of the Board of Trade, that it was of great advantage to the public, that the members of the Board were composed of mercantile marine officers; and considering the great importance to the commerce of the country that that marine should be stimulated to improvement by the hopes of advancement, he (Mr. Robinson) would not consent to take away from them the only prize to which they could now aspire.

Sir *Robert Peel* said, the Committee, consisting of forty-seven Members, only seven of whom were what were called Conservative, had reported unanimously in favour of the present constitution of the Trinity Board. The question had been asked why the lighthouses were not given over to the charge of the Admiralty? he would reply by referring to the case of France, where the first act of the Convention was to put the lighthouses under the department of the marine, an arrangement, however, which had very soon been practically abandoned. He begged to refer to the Report of the Committee, to show that the Trinity Board had proceeded with regularity in the improvement of the system under their superintendence; and he must express his conviction, that if any new schemes could be devised for its further improvement, and for the further introduction of economy into it, there was no public department which would be found more inclined to adopt them, if practicable, than that Board. He could not conceive a greater encouragement to the mercantile marine of the country than to give to its members, on their retirement from that service, these distinctions. But he did not rest his defence of the constitution of the Trinity Board on that narrow ground, but on this higher ground, that it was on the whole the best authority to which the management of lighthouses could be committed. Lieutenant Drummond, in his evidence before the Select Committee, declared, that in every case of experiment the business was conducted in the fairest and most agreeable manner, and with every facility to the parties engaged. He did not think that there would be a higher testimony in favour of the Trinity Board than that afforded by this gentleman. This gentleman, however, suggested for the improvement of the Board, that it should consist of four persons, namely, an optician, the hydographer to the Admiralty, a chemist, and the President of the Board of Trade. Now he (Sir R. Peel) did not think that a Board so constituted would either be as efficient or as agreeable as that which at present existed. He did not wish to underrate the value of the services of scientific men in matters of this kind, but he was of opinion that it would be found a much more efficient plan to offer rewards to them for the discovery of such improvements as might from time to time be wanted, than to place them permanently upon a Board of this kind. He was certainly an honorary member of the Trinity Board, and he might, perhaps, on that account, be suspected of being prejudiced upon the subject; but he must say, that, apart from every consideration of the kind, he thought he had found, in the evidence before the Committee on this subject, the strongest grounds for confirming their report.

Mr. *Hawes* said, the right hon. Baronet, the Member for Tamworth, had not touched the proposition of the hon. Member for Bridport; but had confined himself to the constitution of the Trinity Board. It was no part of the proposition of the hon. Member to alter that constitution. The hon. Member for Tamworth indeed said, he did not approve of the Board being self-elected. But the hon. Member for Bridport only said, "I do not wish to alter the constitution of the Board at all: I leave it as it is—I leave it in possession of all the "collateral advantages" of which the right hon. Baronet opposite spoke." All the objections, then, to that proposition, which had been urged on the ground of any alteration in the constitution of the Board, fell to the ground. The real question was, how would the public service be best conducted? And certainly, looking back to the past, he (Mr. Hawes) did not think the Trinity Board entitled to unmixed praise. All that the hon. Member for Bridport proposed was, to place this and the two other Boards under the superintendance of the Admiralty. No arguments had been urged against that proposal, and he (Mr. Hawes) should support it to a division.

Mr. *Aaron Chapman* said, the amendment of the hon. Member for Bridport went to take away from the Trinity Board its duties; and as a Member of the Legislature, he (Mr. Chapman) objected to such a proposition: he contended, that the acts of no public body should be brought upon the table of that House. He supported this Bill, as being calculated to promote the benefit of the mercantile interest. In his opinion, it was utterly impossible for the Admiralty Board to transact the business intended to be committed to the Trinity Board, unless the Admiralty were to neglect the business which properly belonged to it.

Mr. *Wallace* supported the proposition of the hon. Member for Bridport, on the ground that it was not expedient to place such a degree of control as that which was proposed in the hands of a self-elected Board like that of the Trinity Board.

Mr. *Ewart* supported the proposition of the hon. Member for Bridport, on the ground that it would bring the lighthouses of the country under the control of a body which would be subject to greater responsibility than at present existed. It was idle to suppose, that a body such as the Trinity Board constituted out of the House, having no representatives in the House, could be so responsible as the Admiralty. He did not see that there was any force whatever in the argument of the hon. Member for Whitby, that the Board of Admiralty could not attend to the business of the Trinity Board without neglecting its own. Surely, the Board of Admiralty might superintend and supervise the business in the same way as the Home Department exercised a control over departments the particular business of which was not conducted by it.

Sir *J. Graham* bore his testimony to the perfect satisfaction given by the mode in which business was conducted between the Admiralty Board, and the Trinity Board. He gave his cordial assent to the measure.

Mr. *Hume* said, that it was perfectly true that he concurred in the Report which had been made by the Committee which sat upon this subject; because, when he found it impossible to carry his proposition for placing the three Boards under one body, which should be under the control of the Admiralty Board, and through the latter responsible to that House, he consented to the power given to the Trinity Board, after the Deputy master had come forward in an open and unconstrained manner, and declared the intention of the body to have some alterations in its constitution, which he, for one, considered essentially necessary. Whilst, therefore, he agreed in the principles on which his hon. Friend's proposition was founded, and expressed his conviction of its being ultimately successful, he trusted that his hon. Friend would not divide the Committee upon it, particularly when he bore in mind that the present Bill went some way in correcting the abuses which arose from the existence of private lighthouses.

Sir *Charles Adam* was clearly of opinion, that the principle of centralization which this Bill was framed to enforce was necessary; but he could not see the propriety of placing under the control of the Admiralty establishments which were supported by a tax on the maritime community.

Sir *L. Parry* bore his testimony to the satisfaction given at present in his country (Wales we suppose), at the manner in which the lighting at least was conducted under the Trinity Board.

Mr. *Warburton* felt bound to press his proposal to a division.

The Committee divided on the original Clause: Ayes 68; Noes 7;—Majority 61.

List of the AYES.—*Not Official.*

Thomson, C. P.
Sibthorpe, Col.
Philips, Mark
Parker, M.
Wood, C.
Adam, Admiral
Lushington, Dr.
Hobhouse, Sir John
Hastie
Chichester
Russell, Lord Charles
Kearsley
Baldwin, Dr.
D'Eyncourt
Potter
Pringle
Thornely
Fergusson, C.
Sharpe, General
Pryme
Jervis
Brocklehurst
Blamire, W.
Poulter
Lambton
Russell, Lord John
Grey, Sir G.
Tancred
Smith, Vernon
Donkin, Sir R.
Barnard
Pusey, P.
Estcourt
Neeld, J.
Baines
Knox
Graham, Sir J.
Sandon, Lord
Peel, Sir R.
Inglis, Sir R.
Chapman, A.
Young, G. F.
Pechell, Captain
Rushbrooke, Colonel
Price, Grove
Barry, Colonel
Dick, Quintin
Fielden, W.
Reid, Sir John R.
Forster
Maule, F.
Wodehouse
Fitzgerald
Hamilton
Alsager, Captain
Plunket
Fremantle, Sir T.
Praed, W.
French
O'Ferrall, M.
Humphery, J.

TELLER.
Labouchere

Minority.

Hawes
Wallace
Bowring, Dr.
Ewart
Hume
Thompson, Colonel

TELLER.
Warburton.

The remaining clauses of the Bill were agreed to.

Mr. *Hume* moved the addition of a clause to put an end to the granting of further pensions by the Trinity Board. This clause he proposed in pursuance of the recommendation of the Select Committee, the Members of which very properly thought, that the moneys collected as light dues should not be applied in supporting the pension-list of the Trinity House.

On the question that the clause be read a second time,

Mr. *Poulett Thomson* said, that all the information which he had been able to obtain upon the subject induced and justified him in opposing the clause proposed by the hon. Member for Middlesex. There had been no complaint whatever made by the shipping interest against the payment of the pensions in question, nor was there the slightest suspicion of any favouritism or misapplication of the money. The number of persons who benefitted by these pensions was 8,557, and the aggregate amount of the pensions was only 23,000*l.* It would be extremely harsh and ungenerous to deprive the individuals in question, many of them widows and orphans, of the small relief thus afforded them.

Mr. *Wallace* objected, not to the charity, but to the manner in which the money was raised. If the hon. Member for Middlesex divided, he would, as a matter of principle, divide with him.

Mr. *Aaron Chapman* concurred in the opinions which had been expressed by the President of the Board of Trade.

Mr. *George F. Young* called the attention of Members to the charter of the Trinity House, by which it appeared that they were authorised and directed to distribute their surplus in the charitable manner they did at present. He referred to the late manifestation of opinion at Greenock, on a question that arose in favour of those pensions, and also to the unanimous approbation declared at the town which he represented (North Shields), which, in commercial importance, was entitled to great consideration, as equal to Liverpool, and only inferior to London.

Mr. *Hume* objected to these pensions being paid out of the shipping rates. He knew a parish in Yorkshire from which a single ship had never sailed, and where, notwithstanding, there were ninety-five pensioners, he had no objection that private individuals should subscribe to this purpose if they chose to do so. All he asked was, that they should act on the recommendation of the Committee of 1824.

The Committee divided: Ayes 10; Noes 85;—Majority 75.

List of the AYES.—(*Not Official*)

Buckingham, J. S.
Chichester, J. P. B.
Ewart, W.
Lambton, H.
Potter, R.
Scholefield, J.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.

TELLER.
Hume, J.

The House resumed. The Report to be received.

HAND-LOOM WEAVERS—ESTABLISHED CHURCH.] Lord John Russell moved the order of the day for the House to resolve itself into a Committee on the Established Church Bill.

Mr. Maxwell begged to be permitted to move the second reading of the Hand-loom Weavers' Bill.

Lord John Russell could not consent to the motion,

Mr. Maxwell must then move as an amendment, that the order of the day for the second reading of the Hand-loom Weavers' Bill be read.

The House divided on the original motion: Ayes 65; Noes 51;—Majority 14.

List of the AYES.

Alston, R.
Bannerman, A.
Blamire, W.
Buller, C.
Campbell, Sir J.
Chapman, L.
Chichester, J. P. B.
Clements, Viscount
Divett, E.
Donkin, Sir R.
Fergusson, rt. hn. R. C.
Forster, C. S.
French, F.
Grey, Sir G.
Harcourt, G. G.
Hastie, A.
Hawkins, J. H.
Henniker, Lord
Hobhouse, right hon. Sir J.
Horsman, E.
Howard, P. H.
Hume, J.
Jervis, J.
Knox, hon. J. J.
Labouchere, rt. hn. H.
Lambton, H.
Lefevre, C. S.
Lennard, T. B.
Lushington, C.
Lynch, A. H.
Maher, J.
Morpeth, Viscount
Mullins, F. W.
Murray, rt. hn. J. A.
O'Brien, W. S.
O'Connell, M. J.
O'Ferrall, R. M.
O'Loghlen, M.
Parker, J.
Parnell, rt. hn. Sir. H.
Parry, Sir L. J.
Pechell, Captain
Pelham, hon. C. A.
Pendarves, E. W. W.
Philips, M.
Potter, R.
Poulter, J. S.
Price, Sir R.
Pryme, G.
Rolfe, Sir R. M.
Russell, Lord John
Russell, Lord Charles
Seale, Colonel,
Seymour, Lord
Stanley, E. J.
Thompson, right hon. C. P.
Thornely, T.
Townley, R. G.
Tulk, C. A.
Vere, Sir C. B.
Warburton, H.
Wilson, H.
Wood, C.
Wood, Alderman
Wrightson, W. B.

TELLERS.
Steuart, R.
Smith, V.

List of the NOES.

Agnew, Sir A.
Baines, E.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Cayley, E. S.
Chisholm, A. W.
Dick, Q.
Eaton, R. J.
Elley, Sir J.
Estcourt, T.
Fielden, J.
Fremantle, Sir T.
Goulburn, rt. hon. H.
Hamilton, G. A.
Hardy, J.
Harland, W. C.
Hawes, B.
Hay, Sir J.
Hindley, C.
Hogg, J. W.
Hope, J.
Inglis, Sir R. H.
Law, hon. C. E.
Lowther, hon. Colonel
Lowther, Viscount
Mathew, G. B.
Nicholl, Dr.
Peel, rt. hon. Sir R.
Perceval, Colonel
Plumptre, J. P.
Plunket, hon. R. E.
Praed, W. M.
Price, S. G.
Rippon, C.
Rushbrooke, Colonel
Scarlett, hon. R.
Sibthorp, Colonel
Stewart, Sir M. S.
Stormont, Viscount
Stuart, Lord J.
Tennent, J. E.
Thomas, Colonel
Trevor, hon. A.
Twiss, H.
Wakley, T.
Wodehouse, E.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, E. T.

TELLERS.
Maxwell, —
Forbes, W.

The Order of the Day for the Committee on the Church Bill was read. On the motion that the Speaker leave the Chair,

Mr. *Jervis* rose to make the motion of which he had given notice relative to the principality of Wales. It was notorious to every one who knew anything of that part of the country, that dissent had very much increased of late years; and he (Mr. Jervis) believed that that increase was mainly owing to the fact that the great majority of the clergymen and dignitaries of the Church in that district were Englishmen, and consequently alien in blood, in manners and in language from the great bulk of the population. To show that he was not without some foundation for this belief; he would beg the House to attend to the following short statement. In the seventeenth century, during a period of forty years, the Diocese of St. Asaph was occupied by four Welchmen; for a like period in the last century the same see was filled by four Englishmen. Let the House mark the different results which followed in the two cases. In the first period, one of the Bishops translated the Bible,—another the Testament into Welsh, and the other two were prelates of great learning and piety. In the second interval, one bishop was appointed because he had been tutor to a nobleman; and another was non-resident. During the earlier period, the population were converted from popery to Protestantism; during the later period, they were drawn from the Church to Dissent. He (Mr. Jervis) did not trace this difference of effect solely to difference of language. The difference of manners between the English and the Welsh clergy would have great influence: the English were grave, serious, unaccustomed to gesticulation, while the Welsh were lively, active, and, acting upon feeling—were to be reached only by energetic and impassioned appeals: it might, therefore, be easily perceived, that the English mode of preaching was not likely to be so effective in the principality as the preaching of native teachers. But in fact the appointment of Englishmen to Welsh livings and sees, rendered him utterly incompetent to discharge some of the most important duties of their offices. The parishioners were deprived of the instructions of their pastors, which, under other circumstances,were so beneficial; and the rites of the Church confirmation, for instance, were obliged to be performed through an interpreter. Now if this was not in direct contravention of the Articles of the Established Church, it was, at least, contradictory to their spirit. In the 24th Article, it was plainly required that the Word of God should not be dispensed, nor the sacraments and the rites of the Church administered, in a language not understood by the people. He (Mr. Jervis) was not without authority and precedent on his side. In the reign of Henry 2nd or 3rd the Archbishop of Canterbury sending English Bishops into Wales, the Welsh people petitioned the Pope, saying, that the Archbishop sent them bishops who were ignorant of their language, who could not preach the Word of God to them, nor administer the sacrament but through the medium of an interpreter; and the complaint was then attended to. It was his (Mr. Jervis's) object, in the motion which he was about to make, to place the Established Church in Wales on a sure and firm footing, by identifying it with the great body of the people. The only objection he could anticipate to his motion was, that it would then be impossible to find men in sufficient numbers competent to discharge the duties of the pastoral office in Wales. But that was confounding the cause with the effect. It was because of the practice which had so long existed, and which he was endeavouring to abolish, that great numbers of eminent Welsh clergymen had been driven from the Church to dissent. And let the House remember this: that it was not so much men of classic learning, or of high reputation for erudition, who were required in Wales, as men of piety and respectability indeed, and devotion to the duties of their sacred calling. What more absurd than to set over Welsh parishes clergymen deeply read in classic lore, but unable to converse with the people of whom they have the charge. All that was wanted in Wales was, a body of clergymen who could communicate the great truths of religion, and dispense the sacraments of the Church, in a language in which they would be understood by their flocks. He begged to move that it be an instruction to the Committee that they have power to receive a clause that no clergyman not fully conversant with the Welsh language be appointed to any see or benefice in the principality of Wales.

Sir *Love Parry* most cordially seconded the motion, he thought the House bound either to assent to that motion, or to establish a general system of education to teach the Welsh the English language.

Sir *Robert Inglis* said, before the House required it as an absolute condition of induction into any living or see in Wales that the clergyman or ecclesiastical dignitary should be acquainted with the Welsh language, they should be quite certain that the proportion of those who did not understand the English language was sufficient to justify such an enactment — which would so restrict the choice of persons best qualified for dis charging the duties of the pastoral office in Wales.

Sir *Love Parry* could assure the House there were immense masses of population, in Radnorshire, Brecknockshire, Caernarvonshire, &c., who could not understand a word of the English language.

Mr. *Hume* said, that having presented several petitions from Wales on this subject, praying for such an enactment as that proposed by the hon. and learned Member for Chester, he should feel it his duty to support that proposal to the utmost of his power. At all events he agreed with the hon. seconder, that the House was bound either to make the proposed enactment, or to establish schools throughout Wales, to instruct the inhabitants in the English language.

Mr. *Buckingham* supported the motion. He could bear testimony to the fact, that the English Church suffered much in Wales for want of pastors who understood the language of the people.

Mr. *Wynn* said, it seemed to be assumed that Clergymen in Wales were, generally ignorant of the Welsh language; and that the service was generally performed in the English language, whereas, as the law now stood, no clergyman could be appointed to a parish in which the Welsh language was prevalent, who was not conversant with that language; and he believed it was usual for the Bishops of Welsh sees to have a Welsh chaplain to examine candidates for institution into parishes so circumstanced. He (Mr. Wynn) could not consent, however much he was attached to the language and the customs of his ancestors, to go the full length of the proposal made by his hon. and learned Friend: for there were large districts in Wales in which the English language was almost universally diffused; and many in which the Welsh and English being pretty nearly equal, it was found advantageous to have an English and Welsh service alternately.

Lord *John Russell* was not disposed to vote for the motion of the hon. Member for Chester. His chief objection to it was, that it would in his opinion tend to widen the separation between the two countries. It was undoubtedly desirable that parishes in which the Welsh language prevailed, Welsh clergymen should be appointed; and he was not aware that under the present system such was not the case in the majority of instances. But to enact positively that no person who did not understand the Welsh language should be presented to any living or benefice in Wales, he (Lord John Russell) believed would draw a line of separation between the Welsh clergy and the English clergy, which he for one did not desire should be drawn. If this motion were carried, what should prevent the same principles being extended to the case of Judges going upon Welsh circuits. Indeed the argument was stronger in that case, than in the case of a Bishop. And so the argument might be carried through a variety of other cases,—thus gradually widening the separation between the countries which all must wish to see removed. He (Lord John Russell) was much more inclined to accede to the latter alternative of the hon. Baronet who seconded the Motion, and educate the Welsh in the English language, than to agree to the proposal of the hon. Member for Chester.

Lord *Robert Grosvenor* said, that though he did not feel it necessary to go as far as the hon. Member for Chester, he was favourable to his motion to a certain extent, because he believed the great increase in dissent of late years had been mainly owing to the general appointment, as pastors of the Welsh Church, of men who were not conversant with the Welsh language. It was true, indeed, that the evil had been remedied in particular cases by the discrimination and good sense of the Bishops of some of the Welsh dioceses. But it was necessary to provide for cases in which that discrimination might not exist, still he should certainly not vote for a provision which would extend to the case of a district in which the great proportion of the population were conversant with the English language.

Mr. *Paget* thought no measure would so much tend to promote the success of the Church of England and Wales, as the proposition of the hon. Member for Chester, and he would give it his cordial support.

Lord *Granville Somerset* thought, that the best remedy for the evil complained of by the hon. and learned Member for Chester, was in the exercise of a sound discretion, and not in the compulsory and absolute provision which he proposed to make, and which entirely precluded all discretion. There might be cases in which it would be inconvenient and improper to take the qualification he suggested as a test of the fitness or unfitness of a clergyman for a Welsh living, as well as cases in which it would be beneficial and proper so to do. There might be cases in which a bad Welshman, but a good clergyman, would be more desirable than an indifferent clergyman, though well versed in the Welsh language. He (Lord G. Somerset) agreed with the noble Lord, the Home Secretary, that it was exceedingly undesirable to keep up any such distinction in religious matters which might widen the separation between the two countries, as this motion would produce. Altogether, he had rather, as he said, that the remedy should be sought in the exercise of a sound discretion than in any legislative enactment.

Mr. *Rice Trevor* believed the great increase of dissent in Wales, was entirely owing to the absence of a sufficient number of clergymen acquainted with the Welsh language. And he thought it a very desirable provision which was proposed by the hon. Member for Chester. As to what had been said about its tending to widen the separation between the countries, if he (Mr. Trevor) thought it would have that effect, he certainly would not support it. But he did not think it at all likely that the result would be such as had been anticipated. On the contrary he believed the surest mode of binding the Welsh people to this country was the encouraging in them respect and veneration for the Established Church, and the surest method for effecting that object was the sending them clergymen who would teach them its doctrines, and administer its ceremonies in a language which they could understand. He, however, did not think it necessary that all the Bishops of Welsh dioceses should be conversant with the Welsh language, because they could appoint chaplains who understood it, to examine into the fitness of the clergymen claiming institution into livings in Wales.

Sir *Robert Peel* said, that agreeing as he did in the principle advocated by the hon. Member for Chester, and believing that the majority of the House conceded to that principle, he hoped that the hon. Gentleman would not divide the House upon his motion, because, as there appeared to be certain difficulties apprehended in the way of carrying his object into effect in the manner which he suggested, a wrong construction might be put upon the feeling and opinion of the House; and it might be supposed that the House did not agree in the principle of the hon. Gentleman, because they did not accede to his proposition: although he (Sir Robert Peel) could not go along with the hon. Gentleman in making it an absolute condition upon induction into a living or see in Wales, that the person inducted should be conversant with the Welsh language, he cordially agreed that the object he wished to attain was a very desirable one. He (Sir Robert Peel) owned that he was not influenced in his opinion upon this subject by being told that if this motion were carried, it would be impossible to resist another motion for extending its principle to the case of the Judges who went the Welsh circuits. He was not quite sure whether that would not be advantageous; and whether justice would not be much more satisfactorily administered, when the judge himself could understand the evidence of the witnesses directly from their own mouths, than when that evidence must be received through the medium of an interpreter. Neither could he agree with those who apprehended from this motion being carried, any tendency to widen the separation between the two countries. He believed it would have a contrary effect. Depend upon it that by sending into Wales clergymen who would be able to converse with their parishioners in their own tongue, so far from producing a greater separation between the countries, you would be taking the most effectual means for promoting the disuse of the Welsh, and the prevalence of the English language, because you would thereby inspire the Welsh people with confidence in the English Government, and assure them that their interest were considered in this House. On the whole, although he hoped and believed the Bishops of the principality would see the advantage of exercising a proper discretion in the appointment of clergymen to Welsh parishes, and though he believed this debate would go some way in promoting the object of the hon. and learned Gentleman, he (Sir Robert Peel) hoped the hon. Gentleman would not by dividing the House upon a proposition to which he for one could not agree, give rise to the supposition that the House, in negativing his motion, did not adopt his principle.

Mr. *Jervis* explained, that he had no intention to make his clause compulsory, in the case even of a parish in which the bulk of the population did understand the English language. All he desired was, that the Commissioners should have the power of requiring that the clergyman should be conversant with the Welsh language, in cases in which his parishioners could speak that language. If the House adopted the principle of his instruction, there could be no difficulty in framing a clause which should meet both cases.

Mr. *Goulburn* said, that there could be no doubt as to the desirableness of the object which the hon. Gentleman wished to attain; but he (Mr. Goulburn) would rather that, if possible, it should be attained without legislative enactment. That object might be secured in two ways: by taking care that persons intended for the ministry in Wales should be acquainted with the Welsh language, or by providing that persons acquainted with that language should be educated as divines. The hon. member for Chester seemed to prefer the former course. Now that method was sufficiently provided for at present. For there was at this moment in Wales, an university for the express purpose of educating young men intended for the ministry in Wales, in the Welsh language. This was in his (Mr. G.'s) opinion the best mode by which the evils the hon. Gentleman complained of could be removed—it furnished the bishops of Wales, who would (he was sure) be disposed to exercise a sound judgment on the subject, with the means of appointing to these benefices in which the Welsh language was spoken, pious clergymen conversant with that language. Thus every object which the hon. Member could wish to attain, would be reached under the present system, without involving the House in the difficulties attending the adoption of his motion.

Mr. *Guest* knew one parish in Wales, in which there was not one person who spoke English, and he certainly would support the motion.

Mr. *Chisholm* also approved of the proposal of the hon. Gentleman, the Member for Chester. Nor could he see the distinction in this case between the bishops and parochial clergy.

Mr. *Jervis* withdrew his original proposition, and, after amending it moved:—"That it be an instruction to the Committee, that they have power to receive a clause, empowering the Commissioners to make regulations by which no clergyman, not fully conversant with the Welsh language, shall be appointed to any see in the principality, nor to any benefice in Wales, the inhabitants of which are not acquainted with the English language."

The House divided:—Ayes 74; Noes 64; Majority 10.

List of the Ayes.

Aglionby, H. A.
Agnew, Sir A.
Alsager, Captain
Alston, R.
Biddulph, R.
Boldero, H. G.
Bowes, J.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Cayley, E. S.
Chalmers, P.
Chichester, J. P. B.
Chisholm, A. W.
Dillwyn, L. W.
Divett, E.
Eaton, R. J.
Egerton, Sir P.
Elley, Sir J.
Estcourt, T.
Euston, Earl of
Ewart, W.
Forbes, W.
Forster, C. S.
Gladstone, W. E.
Grosvenor, Lord R.
Guest, J. J.
Hamilton, G. A.
Hardy, J.
Harland, W. C.
Hastie, A.
Hay, Sir J.
Henniker, Lord
Hindley, C.
Horsman, E.
Hume, J.
Inglis, Sir R. H.
Jones, W.
Lambton, H.
Leader, J. T.
Lennard, T. B.
Lowther, hon. Col.
Lushington, C.
Mackenzie, S.
Mathew, G. B.
Parker, J.
Parry, Sir L. P. J.
Pechell, Captain
Pelham, hon. C. A.
Phillips, M.
Plumptre, J. P.
Plunket, hon. R. E.
Potter, R.
Poulter, J. S.
Pryme, G.
Pusey, P.
Rippon, C.
Russell, Lord C.
Ruthven, E.
Scarlett, hon. R.
Seale, Colonel
Stuart, Lord J.
Thomas, Colonel
Thompson, Colonel
Thornely, T.
Trevor, hon. A.
Trevor, hon. G. R.
Tulk, C. A.
Vesey, hon. T.
Wakley, T.
Wallace, R.
Warburton, H.
Wilson, H.

TELLERS.

Jervis, J.
Hall, B.

List of the Noes.

Acheson, Viscount
Adam, Sir C.
Baillie, H. D.
Baines, E.
Baldwin, Dr.
Bernal, R.
Bowring, Dr,
Buller, C.
Buller, Sir J.
Campbell, Sir J.
Chapman, L.
Clerk, Sir G.
Donkin, Sir R.
Ebrington, Viscount
Egerton, W. T.
Fergusson, rt hn. R. C.
Fitzroy, Lord C.
French, F.
Gordon, R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grimston, Viscount
Grimston, hon. E. H.
Harcourt, G. G.
Hawes, B.
Hay, Sir A. L.
Hobhouse, rt. hn. Sir J.
Hogg, J. W.
Knox, hon. J. J.
Law, hon. C. E.
Lefevre, C. S.
Lefroy, A.
Lemon, Sir C.
Lincoln, Earl of
Lynch, A. H.
M'Namara, Major
Meynell, Captain
Morpeth, Viscount
Murray, rt. hn. J. A.
Nicholl, Dr.
O'Loghlen, M.
Parnell, rt. hn. Sir H.
Peel, rt. hn. Sir R.
Pendarves, E. W. W.
Perceval, Colonel
Power, J.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rushbrooke, Colonel
Russell, Lord J.
Sandon, Viscount
Seymour, Lord
Sibthorp, Colonel
Smith, R. V.
Somerset, Lord G.
Sturt, H. C.
Thomson, rt. hn. C. P.
Vere, Sir C. B.
Wilde, Sergeant
Williams, R.
Wood, C.
Wyndham, W.
Wynn, rt. hn. C. W.
Yorke, E. T.

TELLERS.

Stanley, E. J.
Steuart, R.

The House went into Committee.

On Clause 10,

Mr. *Lambton* moved as a proviso, that no portion of the revenues of the see of Durham be devoted to other ecclesiastical purposes, until provision is made for the spiritual wants, and moral instruction of the inhabitants of that diocese had been adequately provided for out of those revenues. Durham possessed a numerous population, and their spiritual wants ought to be first attended to. There was the evidence of the Lord Chief Justice of England, that crime abounded in that county. Now, if religion was to be upheld, and that the superabundant revenues of the bishopric was to be directed to the uses of religion, they could not be better applied than to the moral and religious instruction of the people of the county. The whole body of the people of the county of Durham concurred in the principle of the proviso, and he trusted, therefore, that it would meet with the approbation of the Committee.

Lord *John Russell* thought, that his hon. Friend was mistaken as to the effect of the Bill. When he addressed the House on the subject of this measure on a former occasion, he stated that there would be a sum of money derived from the bishoprics, as well as about 129,000*l.* from the suppression of certain offices in the Church, which surplus was to be devoted to the increase of the incomes of the holders of the smaller benefices and to the promotion of the religious instruction of the people. In the diocese of Durham there were some rich canonries, the holders of which had no duty to perform beyond that connected with the cathedral. It was proposed by the Commissioners, that after provision had been made for the service in the cathedral, that the remainder of the revenues of these canonries should be applied to the increase of the incomes of the holders of the poorer incumbencies, and otherwise to the making provision for the religious instruction of the people. There were undoubtedly many populous places in Durham, where there was not at present adequate provision of the latter kind; but when he stated that the surplus accruing in this way was to be devoted to the objects which he had described, it was not fair to suppose that no care had been taken to provide for the religious instruction of the inhabitants of the diocese of Durham. He denied, that one of the chief objects of the Bill was to take a considerable proportion of the revenues of the see of Durham away, with a view of creating two new bishoprics. There were certainly to be two new bishoprics, but these were to be created in substitution of two others in a different part of the country, which were to be suppressed. In short, it was proposed that there should be a new territorial distribution of the dioceses. It could not, therefore, be fairly stated that they intended to take away a large share of the income of the diocese. With respect to the object of the Bill, he should wish his hon. Friend to consider what were the intentions of the Commissioners with respect to the diocese of Durham. The Commissioners proposed to do away with what had been long a reasonable source of complaint—that such rich bishoprics existed in one part of the country which might be contrasted with such poor ones in other districts—that to one bishopric there was annexed a superfluity of income which was not justifiable, while to another bishopric, in order to afford an adequate revenue, they were obliged to annex some prebendship or other office of dignity, or a benefice which then often had not proper care devoted to it. He felt the wants of the holders of benefices in the diocese of Durham; but when the Commissioners stated that they should, by the arrangement now proposed, be able to increase the revenues of those populous parishes, and to administer to the instruction of the people, he did not think that it would be proper or expedient to stop at the threshold, as was proposed by his hon. Friend, and to make an essential alteration in the plan for the benefices of the diocese of Durham. The Commissioners said, and he agreed with them, that it would be better to take up the subject and deal with it as a whole, and to apportion and divide the whole revenue that would be placed by this arrangement at their disposal, in such manner that each clergyman having the cure of souls might have an adequate income, and that above all, the revenue of the bishops might be placed on a more satisfactory footing than it was at present. As he went into great detail on this subject the other night, he would not detain the Committee by repeating what he then said. He could not help observing, however, that if they at once proceeded to apply themselves to the wants of each local case, and to the spiritual demands of each benefice, that the result would be that the plan of Church Reform now proposed, or any other which was likely to be proposed, would not be successful, and the hopes of those who now anticipated a beneficial change in the Establishment would be disappointed.

Mr. *Arthur Trevor* stated, that the greatest apprehension had been excited in the diocese of Durham in consequence of the recommendations of the Commissioners, and the measures which had been brought forward founded on them. He contended that adequate attention had not been paid to the wants of the population of this large and important diocese.

Mr. *Harland* only rose for the purpose of stating, that there existed on this subject a very strong feeling in the Bishopric of Durham. A great portion of the revenues of the see had already been devoted to purposes of general education, and he was surprised that the present measure, which was a violation of Church Property, should be supported by those who opposed the appropriation clause of the Irish Church Bill. He would certainly support the clause proposed by his hon. Friend.

The Committee divided. Ayes 8; Noes 88; Majority 80.

Original clause agreed to.

The remaining clauses were severally agreed to.

The House resumed; the Bill to be reported.

HOUSE OF LORDS,

Wednesday, July 13, 1836.

MINUTES.] Bills. Read a first time:—Duchy of Cornwall Revenues.

Petitions presented. By the Earl of ABERDEEN, from King's College, Aberdeen, against Universities' (Scotland) Bill.—By Lord ELLENBOROUGH, from Dignitaries of the Church of England, against Church Discipline Bill.—By the Archbishop of CANTERBURY from several Places, for the Better Observance of the Sabbath.

HOUSE OF COMMONS,

Wednesday, July 13, 1836.

MINUTES.] Petitions presented. By Lord CHARLES RUSSELL, from Leighton Buzzard, for Abolition of Church Rates.—By Lord J. STUART, from Ayr, against the Municipal Corporations' (Scotland) Amendment Bill.

SOUTH METROPOLITAN CEMETERY.] Captain *Alsager* brought up the Report of the South Metropolitan Cemetery Bill, and moved that it be received.

Mr. *Potter* objected to the Report being received. The Bill contained some most objectionable clauses, and was calculated to produce and continue differences that ought to be avoided between the Dissenters and the members of the Church of England. One of these clauses to which he adverted provided that there should be a portion of ground which was to be consecrated and set apart for the burial of members of the Church of England; whilst the other portion was to be for the burial of Dissenters. He considered these clauses objectionable from the marked distinction that they made between Dissenters and churchmen. He understood that in some places this distinction was carried to such an extent that a wall was raised between the places of burial of Dissenters and the members of the Church of England.

Dr. *Bowring* said, that throughout the whole Bill there was a marked distinction made between Dissenters and the members of the Church of England. Nothing was more unwise than to make those distinctions. One of these clauses declared that the Dissenters were not to receive Christian burial; yet surely the Dissenters were as much entitled to Christian burial as the members of the Church of England. He hoped that the Bill would be recommitted, for the purpose of having these clauses reconsidered.

Captain *Alsager* wished to know in what part of the Bill there was anything to be found to justify the imputation that the promoters of the Bill wished to exclude the Dissenters. No exclusion was intended. The Moravians and Quakers had their own places of burial, in which they were interred according to their own rites. This Bill merely provided that the members of the Church of England should be buried according to their own rites and forms leaving to the Dissenters and others to adopt theirs.

Mr. *Charles Lushington* said, that on the second reading of this Bill he had expressed his satisfaction at the increase of suburban cemeteries. He considered their extension would be extremely beneficial to the inhabitants of towns and cities. He regretted, however, that any distinctions should be made tending to produce dissention and ill-will between any classes of Christians. When the General Cemetery Company was incorporated, in 1824, the Bishop of the diocese would not give his consent to the adoption of the Cemetery unless a wall of demarcation was raised up between the burial-ground of the Dissenters and that of the members of the Church of England. He considered the preservation of such distinctions most disgraceful to the intelligence and enlightenment of the nineteenth century. It was most discreditable, that Dissenters, should not be permitted to be buried in the same ground with members of the Church of England, but that a wall of intolerance should be erected between them. He was a director of the General Cemetery Company, and when, in the exercise of his functions as such, he had occasionally bee called upon to show that ground t strangers he had always felt humiliate when pointing out the burial-place of th members of the Church of England, to b obliged to say, that at the other side of th distinctive bounds lay interred the remai of their Dissenting brethren. He was fully persuaded of the injurious con quences of preserving such distinctions that, unless he saw some prospect of having the Bill amended, he should feel it his duty to move, that the report be received on that day six months.

Mr. *Potter* thought that these clauses were of so objectionable a nature that if the hon. Member did not, he should feel it his duty to move that the report be received on that day six months.

Dr. *Bowring* thought that this would be too harsh a proceeding towards the promoters of the Bill. He thought it would be better that the Bill should be recommitted, in order to give an opportunity of amending it, and rendering it conformable with the general opinion.

Viscount *Sandon* understood that the objection to these clauses was, that they declared burial in one part of the ground to be Christian burial, and in the other not. He certainly could not concur in anything that was calculated to offend the feelings of any class of Christians. However, he did not see that the Dissenters had any reason to be dissatisfied, and he was sure that there was no intention on the part of the promoters of the Bill to give them offence. The noble Lord was understood to say, in conclusion, that if there were any parts of this Bill considered so objectionable as to require amendment, he would concur in its recommittal.

Mr. *Wakley* said, that the institution of public cemeteries in the neighbourhood of such a great metropolis as this was, in a sanatory point of view, of the greatest importance. Nothing was more useful than the establishment of cemeteries in the neighbourhood of large cities. However, he considered the present Bill as nothing less than an insult to the House, and so derogatory to the character of the English people at this period of intelligence and toleration, that the House would best consult its own dignity by rejecting it altogether. He trusted that the House would reject the proposition with scorn. He was himself a member of the Church of England. He had been bred up in that Church, and respected it as much as any one; but he considered that the present measure was an insult to Dissenters, and as such he should vote against it.

Mr. *Baines* concurred in what had been said of the advantage of having establishments of this kind in the neighbourhood of large cities. He believed that they were highly conducive to the health of the public, and a measure of this description ought not, on slight grounds, to be rejected. If there were any passages in the Bill which ought to be omitted, the best way would be to give an opportunity for amending the Bill. He hoped that the hon. Member for Wigan would so shape his amendment, that the Bill might be re-committed. He did not think that the Dissenters felt it a stigma not to be buried in consecrated ground; on the contrary, he considered it quite as good to be buried in ground that was not consecrated. He trusted, then, that the amendment would be so shaped as that the Bill would again come under consideration, as he was sure that there was a disposition on the part of the House to promote a measure that, if rendered unobjectionable, would be a great public benefit.

Captain *Alsager* defended the clauses. There could have been no intention on the part of the promoters of the Bill to offend the Dissenters by the introduction of the words "Christian burial." Surely, the Dissenters were Christians as well as the members of the Church of England. The members of the Church of England were buried in consecrated ground, according to the rites of their church; the other part was set apart for the Dissenters, because they did not choose to be buried in consecrated ground, or think it necessary. He was sorry that a Bill, which was intended to conciliate all parties, should be received as a bone of contention. As to any insult to any class, none was intended. The Bill was drawn up with the concurrence of the prelates of the Church, and in the true spirit of Christian charity.

Mr. *Wilks* was anxious for the recommittal of the Bill, in order that an opportunity should be afforded for removing any phraseology that was objectionable. He contended that it was insulting to the Dissenters that, while it provided that the members of the Church of England should be buried according to the rites of Christian burial, it provided that the Dissenters should be at liberty to use what forms they pleased, provided they were conducted in a decent and solemn manner. As Protestant Dissenters, it was offensive to them to have it declared, that legislative interference was necessary to procure the decent performance of their burial rites. The clauses in question went to perpetuate an odious distinction, which it was not good policy to keep up, and he therefore hoped the Bill would be recommitted.

Captain *Alsager* had no objection to the recommittal of the Bill, and he hoped hon. Members would favour him with their suggestions, so as to make it acceptable.

Bill to be recommitted.

Royal College of Surgeons.] Mr. *Wakley* presented a Petition from the Surgeons at Andover, complaining of an individual in that town who had obtained the diploma of the College of Surgeons through fraudulent means. The hon. Member read extracts from the petition, in which it was set forth, that the Royal College of Surgeons obtained their Charter in the year 1800, and among other matters they had bye-laws drawn up for the regulation of candidates for admission. In the year 1833, it was required by the regulations, that a party looking for a diploma should be of the full age of twenty-two years, and that he should be engaged in practice of six years, and have attended certain courses of lectures to qualify him for becoming a member. The individual complained of entered in a medical establishment at Andover in the year 1829, and remained until October, 1833, when he left and proceeded to London for a period of three months, and then returned with the necessary certificates and diplomas, and commenced practising. The surgeons of that town made a complaint to the College, and sent forward affidavits, alleging that for the short time the individual was absent, he could not have qualified to entitle him to practice; and calling on them to institute an inquiry into his pretensions. The College accordingly cited him to appear before them, but he declined doing so, and from that time they have taken no step to enforce their regulations, and he continues practising. It could not be denied that by the bye-laws the College have the power to reject a candidate, and also to have a *mandamus* issued to show cause why he practised. The hon. Member quoted the case of the King *v.* Richardson and other cases, to show that the College had the power of dismissal, and the enforcement of the regulations. As the government of the College was vested in the Council, he maintained that in justice to the other practitioners, who went through a regular professional course of studies, that they ought to call the party before the Court of King's Bench, to prove that his certificates had not been fraudulently obtained.

Sir *Frederick Pollock* knew something of this case, and though he was anxious that the petition might have the best attention, he felt bound to say, that the hon. Member for Finsbury was not quite correct in his law. He was right, however, if the allegations in the petition were true, in declaring that the College had the power of declaring the appointment null and void; but the allegations were not true, as would be found had they been studied. It was stated in the petition that the College had not taken the proper steps to compel the attendance of the party, but they did take proper steps and consulted counsel, first taking the precaution to lay all the documents and certificates before him, and counsel's opinion was, that it would be highly improper to take any further proceedings in the business than what they had already done. It was not contended in the first place that the Gentleman was not perfectly competent for the discharge of the duties he had undertaken, for the complaint was more against the extent of his practice than against the validity of his diploma. What was the case? The Gentleman appeared before the College and presented his papers, and after standing the usual examination, to the entire satisfaction of the Court of Examiners, he was granted his diploma, and the usual documents to entitle him to practise surgery. Some time after, doubts were entertained that, from the short time he was absent from Andover, he could not have been properly qualified; but there was no doubt of the certificate being genuine. Then it was that certain affidavits were presented to the College to expel him. He (Sir Frederick Pollock) was then consulted, and after the most anxious deliberation, and giving his best attention to the subject, he was decidedly of opinion that the College could not expel him, and so he communicated to them. Had the College expelled him, he would be at liberty to apply for a *mandamus*, and then they would have to prove that his credentials were not genuine, consequently no jury under such circumstances would be prepared to give a verdict against him, nor could any lawyer be found to anticipate that verdict would be in favour of the College. Had the College been made acquainted with the state of the case before the admission of the party, it might be necessary to institute an inquiry; but having obtained the right, it would not become them to reverse the decision. He had showed the hon. Gentleman opposite his opinion at length, and permitted him to read it. The College took every step to ascertain the justice of the case; but it was too much to say that a man was to be put on trial on mere suspicion, and there must be a reasonable prospect of coming to a proper decision. All he would say was, that the College were ready to do their duty. He would not object to the petition lying on the table.

Mr. *Wakley* differed from that part of the law laid down by the hon. and learned Member where he stated that a man was not to be put on his trial on mere suspicion. He thought it was usual to put a man on trial because of the suspicions against him. There was much more than ground for suspicion in this case, but unfortunately it involved other parties who were in the council; for if it were proved that he had not obtained the certificates by his own fraud, it must appear that they were improperly given to him. The case, however, could not remain in its then state, but must ultimately terminate in a court of law.

Petition to lie on the table.

Breach of Privilege.] Sir *Charles Burrell* was sorry to be under the necessity of intruding on the House for a short time, but he was induced to do so as a matter of self-defence, from the circumstance of Mr. Cundy, who had been engaged in projecting a railway between London and Brighton, having taken the liberty of making use of his (Sir C. Burrell's) name in a most reprehensible manner. This individual had stated, that the reason which induced him (Sir C. Burrell) to give his vote in favour of Stephenson's line was, that a sum of 15,000*l.* was awarded to him for land through which it was to run. Now, this was totally untrue. The imputation was made to the hon. Member for Wiltshire (Mr. Benett,) who had proceeded on urgent business to the Assizes, but who left two letters for him, accounting for the necessity of his absence, which he would take the liberty of reading to the House. One was dated House of Commons, July 8, to the effect "I have no hesitation in stating in the House of Commons, that Mr. Cundy, in the course of a communication, said that Stephenson's line was carried in Committee by unfair means. He repeated that you were not at first in favour of Stephenson's line (not true), and that your support was obtained for 15,000*l.*; and he charged two other members of the Committee with having received, one 12,000*l*, and another, 8,000*l.* which made them also in favour of it." He would avail himself of the opportunity to declare most distinctly that the assertion made was most untrue. It was not for him to say what the House might think it necessary to do under the circumstances, as he was perfectly satisfied in having made the statement, and given the charge a most decided negative. He would only remark that if he were capable of such improper conduct, he would not be deserving a seat in that House or a place in any society whatever.

Captain *Pechell* hoped he might be permitted to express himself quite surprised at the nature of the charge brought under the consideration of the House. He did not think it was such a one as called for interposition on their part. He was a member of the Committee on the Brighton railway, and heard it reported—he could not take upon himself to state the fact—but it had been stated, that some of the members on that Committee had been tampered with. He never should have thought that such a trumpery matter would have been brought before the House. Certainly, reports had gone abroad that some of the members of the Committee had been tampered with, and that others had sold their land for more than it was worth. Whether the charge were true or false, he did not think it worth investigation.

Mr. *Williams Wynn* was sorry that a single Member would be found capable of saying that a charge which imputed foul corruption to a Member was a trumpery matter. Reports of the kind, it was asserted, had prevailed; but the hon. Member did not know whether they were true or false. If true, they ought to be brought forward; if false, the parties circulating them ought to be punished; and nothing could be more important than the duty of vindicating the purity of the House. If it were to continue to hold any station in public opinion, it could not devote time to a more valuable purpose than sifting such accusations to the bottom, and for that purpose he should move that Mr. Nicholas Wilcox Cundy attend at the bar on Monday next when the hon. Member for Wilts could be present.

Lord *A. Lennox* seconded the motion. He did not believe that a single Member of the Committee had been influenced by any but the purest motives, and it was impossible that the hon. Baronet should have done anything so derogatory to the character of a gentleman.

Mr. *Hawes* wished to give his hon. and gallant Friend an opportunity of repeating or retracting an assertion he had understood him to make: in reference to the general imputations against the Committee, he believed that the hon. and gallant Member (Captain Pechell) had stated that in his opinion some Members of the Committee had been tampered with.

Captain *Pechell* denied, that he had stated or intended to state any such opinion. He merely meant to say that the report ought to be treated with contempt, and that it was not worth while to investigate it. Personally he was interested in Stephenson's line, as it would benefit his property, but he had opposed it on behalf of his constituents.

Motion agreed to.

HACKNEY CARRIAGES BILL.] Mr. Alderman *Wood* moved the order of the day for the House to resolve itself into a Committee on the Hackney Carriages (Metropolis) Bill.

Mr. *Warburton* remarked, that as this Bill was framed very much after the fashion of the hon. Alderman's other Bills, he should move, that it be committed on this day six months.

Mr. Alderman *Wood* complained, that after the Bill had been altered to suit the wishes of the hon. Member, by the omission of clauses, he still resisted the reference of it to a Committee, where it might be made still less objectionable. The truth seemed to be, that the hon. Member for Bridport, (Mr. Warburton) had got a crotchet in his head, and nothing could make him believe that anybody was capable of doing well and wisely, but himself. Only a little while ago, the hon. Member was sitting in single state in one of the Committee-rooms up stairs, surrounded by all the surgeons, sextons, and parish clerks in London, but without any beneficial result, and that ought to have taught him, that at least all his crotchets were not invaluable. He believed that the Police Act would expire next year. He did not know whether Ministers intended to renew it; but if they did not, it rendered such a measure as that before the House doubly necessary.

Mr. *Angerstein* said, that many of his constituents were opposed to the Bill.

Mr. *Hawes* complained, that there was a great deal of needless legislation in the Bill. All that was wanted might be accomplished by an efficient police; when the Police Act was renewed, this subject might fitly be taken into consideration. He hoped that the hon. Alderman would consent to defer the Committee.

Mr. *Wilks* called on the hon. Alderman to persevere, adverting to the evils and dangers arising at present for want of due regulations.

Mr. *Fox Maule* was of opinion, that the hon. Alderman deserved the thanks of the public for his labours, and recommended, that whatever savoured of unnecessary legislation should be expunged in the Committee.

The House divided on the original motion: Ayes 118; Noes 2—Majority 116.

List of the AYES.

Alsager, Captain
Angerstein, J.
Arbuthnot, hon. H.
Ashley, Lord
Baillie, H. D.
Baines, E.
Bannerman, A.
Barclay, D.
Barclay, C.
Baring, W.
Barnard, E. G.
Beckett, Sir J.
Bewes, T.
Blackburne, I.
Blake, M. J.
Blamire, W.
Boldero, H. G.
Brady, D. C.
Brotherton, J.
Brownrig, J. S.
Burrell, Sir C. M., bt.
Campbell, Sir J.
Canning, Sir S.
Chalmers, P.
Clerk, Sir G., bart.
Codrington, Sir E.
Colborne, N. W. R.
Cole, hon. A. H.
Denison, J.
Dick, Q.
Donkin, Sir R.
Dunbar, G.
Duncombe, T. S.
Elley, Sir J.
Elphinstone, H.
Euston, Lord
Feilden, W.
Ferguson, Sir R. A.
Fergusson, rt. hon. C.
Fitzgibbon, hon. B.
Forster, C. S.
Gladstone, W. E.
Gordon, W.
Goulburn, hon. H.
Grey, Sir G., bart.
Hamilton, Lord C.
Hardy, J.
Hawkins, J. H.
Hay, Sir J., bart.
Heathcote, C. J.
Henniker, Lord
Hogg, J. W.
Howick, Lord
Hoy, J. B.
Jervis, J.
Inglis, Sir R. H., bart.
Knight, H. G.
Labouchere, H.
Langton, W. G.
Lefevre, C. S.
Lennox, Lord A.
Lincoln, Earl of
Lygon, hn. Col. H. B.
Lynch, A. H. S.
Mackenzie, J. A. S.
Maclean, D.
Macnamara, Major
M'Taggart, J.
Mahon, Lord
Mangles, J.
Maule, hon. F.
Miles, W.
Nagle, Sir R.
Neeld, J.
O'Loghlen, M.
Oswald, J.

Parker, W.
Pechell, Captain R.
Pendarves, E. W.
Penruddock, J. H.
Perceval, Col.
Plumptre, J. P.
Potter, R.
Poulter, J. S.
Powell, Colonel
Praed, W. M.
Price, R.
Pringle, A.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Robinson, G.
Ross, C.
Rushbrooke, Colonel
Russell, Lord John
Sandon, Lord
Scholefield J.
Sharpe, General
Sibthorp, Colonel
Smith, R. V.
Somerset, Lord G.
Stanley, E. J.
Steuart, R.
Stuart, Lord J.
Surrey, Earl of
Talbot, J. H.
Thomas, Colonel
Thompson, Colonel
Townley, R. G.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tynte, C. J. K.
Walker, R.
Wallace, R.
Walter, J.
Wilmot, Sir E.
Wrightson, W.
Wynn, rt. hon. C. W.

TELLERS.
Wilks, J.
Wood, Ald.

List of the NOES.

Ewart, W.
Wakley, T.

TELLERS.
Warburton, H.
Hawes, B.

The House went into Committee, and after several Amendments were proposed, and two divisions were had on them, got as far as the 20th Clause of the Bill, when the House was counted out.

HOUSE OF LORDS,

Thursday, July 14, 1836.

MINUTES.] Bills. Received the Royal Assent:—Murderers' Execution; Petty Sessions' (Ireland); Chapels of Ease (Ireland); Sasine (Scotland); Benefit Societies.—Read a second time:—Tolls of Steam Carriages; Excise Licenses' (Ireland); Punishment of Offences (Cape of Good Hope).

Petitions presented. By Lord FEVERSHAM, from Wesleyan Methodists of various Places, for Better Observance of the Sabbath.—By the Duke of SUTHERLAND, from Tongue, against Universities' (Scotland) Bill.—By the Earl of STRADBROKE, from Stradbroke, against Poor-Law Amendment Act.—By Lord ASHBURTON, from various Places, against Oyster Fisheries' Bill.

PRISONERS' COUNSEL BILL.] On the Order of the Day for receiving the Report of the Committee on this Bil,l

Lord *Wharncliffe* said, that he conceived this Bill was entirely uncalled for. It was not an alteration of the law, but an alteration of the practice of the courts of justice, and his candid opinion respecting it was, that under its operation the verdicts of juries would be more frequently wrong than they were at present, especially in cases of life and death. The duties of a judge in criminal cases, should be confined to his keeping the evidence within legal bounds, and giving his direction to the jury. At present trials were conducted in a very solemn manner, but he believed that this measure, by permitting counsel to address juries on behalf of the party accused, would have the effect of increasing that uncertainty upon which professed rogues were accustomed to calculate; while it was an admitted fact that the uncertainty of convictions led to an increase of crime. One of the advantages which it was alleged would accrue from this Bill was, that the criminal would with more certainty be found guilty; but he did not think such an effect likely to be produced by the skill and eloquence of counsel directed to influence the jury in favour of the prisoner. It had been said that in other countries such a practice had worked beneficially, but in looking to those countries they should consider all the circumstances connected with the different modes of trial; and see whether the same advantages were given to the prisoner as under the existing law in this country. In France the party accused was subject to a personal examination, as might be observed by a late trial in Paris. On that occasion, as was the custom, endeavours were made to extricate from the prisoner a confession of his guilt. Now, under such circumstances as that, he was certainly an advocate, not only for one, but for two or three counsel on behalf of the accused. In Scotland, where the prisoner was allowed counsel, it was only necessary there should be the verdict of a majority, not of the whole jury; but this remarkable difference between the practice in the two countries had been entirely overlooked by the Commissioners. In the evidence given by Sir F. Pollock, he found it stated, "that any idea of affording counsel to defendants would be mischievous unless they had the last word; otherwise he would prefer the present system, with all its defects in principle and inconvenience in practice, and he contended, if the provisions of this Bill were made law, new alterations would be introduced, until counsel were allowed in cases of felony even greater latitude than at *Nisi Prius*." But between the two cases there existed no analogy whatever, because, at *Nisi Prius*, the assistance of counsel was necessary, not merely, nor even principally, to ascertain the truth of the facts alleged in evidence, but to estimate the amount of damages which should be awarded by the jury. The case of treason was next adduced, but to any one at all acquainted with the history of the country and the usual course of procedure, the reason of allowing the prisoner a copy of the indictment, the names of those to be examined as witnesses against him, and the additional assistance of counsel, must be at once apparent; because charges of treason could so easily be converted into oppression from political motives; and, therefore, the policy had been wisely to surround the accused with every possible facility for making out a complete defence. The opinion of the Commissioners in favour of the principle of this Bill was founded on two or three alleged improper verdicts having been returned in cases of murder, where it was stated, if counsel had been allowed, no conviction would have taken place. He entirely objected, however, to vague statements of this description, and he very much questioned whether there would be greater probability of a proper verdict under the change which was proposed should now take place. Before he came to notice the cases of misdemeanors, he was desirous of saying a word or two upon the opinions given by Sir F. Pollock and Mr. Sergeant Wilde in favour of prisoners having the benefit of counsel on charges of felony. They had stated that they had had personal experience of verdicts being given contrary to the evidence. Sir F. Pollock stated two cases, and Mr. Sergeant Wilde had mentioned five. In one of the cases cited by the last named hon. and learned Gentleman, it was obvious from what afterwards took place, that there was an after fact of which no one knew when the trial took place. Now it was obvious that had counsel been permitted to address the Jury, he could not have produced a favourable effect, inasmuch as he could not have been acquainted with the fact upon which the Secretary of State afterwards acted. It was true that wrong verdicts might be given, but would allowing counsel to be heard for prisoners diminish the number, he begged to inquire? Was it shown that those cases would be fewer? Were wrong verdicts fewer in cases of misdemeanour, where counsel were permitted to address a Jury? He would venture to affirm that in such cases of misdemeanour where Counsel did address a Jury, it would be found on investigation, that as many wrong verdicts in proportion were given. as in cases of felony, in which counsel were not allowed. Amongst other topics which had been urged on former occasions relative to the present Bill, was one which had reference to the duties of the presiding Judge in Criminal Courts. It was said that the present duties of a Judge were already sufficiently heavy in having, often after many hours of strict and severe attention in taking notes of the evidence, to sum up that evidence, and to state its general effect to the Jury. Now he might very fairly be allowed to ask whether these duties would be lessened by the Judge having to listen to the defending counsel's arguments, and also by his having to strip a speech which was made in defence of a prisoner of his highly coloured effects, and to state the naked facts to the Jury, in order that their judgments might not be led astray by the meretricious arguments used by counsel? How often would the Judge's feelings be excited and wounded by having this painful task to perform, in addition to his present duties, oftentimes also performed by him with the knowledge that he was, by so doing, sending the prisoner at the bar to death? Having taken, all along, considerable interest in this question—having had some slight experience in the administration of justice as chairman at quarter sessions, and having given evidence before the Commissioners on the subject, he had thought it his duty thus shortly to state his opinions to their Lordships; and he trusted, although out of doors it had been stated that it would be most discreditable to that House if they refused to pass this Bill at the present moment, their Lordships would not be intimidated from rejecting a measure which would, in his opinion, prove detrimental to those institutions of the country in which the lives and liberties of their fellow subjects were most intimately involved. The noble Lord concluded by moving that the Report be received that day three months.

Lord *Lyndhurst* thought he had some reason to complain of the course which had been pursued by his noble Friend. On the second reading of the Bill, when its principle was to be discussed, every law Lord in the House expressed a strong opinion in its favour; his noble Friend, also a law Lord, was present upon that occasion, and remained perfectly silent; but after the expiration of several days, on another stage of the Bill, he came down with a long, an able, and eloquent speech for the purpose of attacking the principle of the measure, This unsteadiness of purpose on the part of his noble Friend—this halting between two opinions, was productive of this inconvenience, that his able speech must either remain unanswered, or those on the other side of the question must trouble their Lordships by repeating the arguments urged on a former occasion, which then appeared to be satisfactory to the mind of his noble Friend, and which were favourably received by their Lordships. Notwithstanding this, however, he was disposed to rely on their Lordships' recollection of what had passed on the former discussion of this subject; it was not his intention, therefore, to go through the whole of the speech, although he could not avoid making some observations on part of what had just fallen from his noble and learned Friend. His noble Friend had stated that eloquence, and passion, and zeal, would be introduced into our Courts of Criminal Justice, and that was suggested as an argument against the Bill. It did appear a most extraordinary proposition to maintain, that the only cases in which zeal, in which eloquence, in which powerful reasoning should not be made use of, were those where the liberties and lives of our fellow-creatures were at stake. His noble Friend stated in addition to this, that he was quite satisfied the effect of this Bill would be, that able and eloquent advocates would produce acquittals where there ought to be convictions, and that the course of criminal justice would thereby be perverted. That was one of the arguments pressed by his noble Friend against the measure. If the rule laid down by Lord Coke were correct, which he (Lord Lyndhurst) took the liberty of stating on a former occasion—a rule which had been confirmed and adopted by another noble and learned Lord, he meant Lord Nottingham on the trial of Lord Cornwallis—if it were the true rule that "in cases of felony no man shall be found guilty but on evidence so clear as to admit of no answer," or, as Lord Nottingham expressed it, "evidence so manifest that all the counsel in the world could not gainsay it"—if that were the rule, he for one should not feel apprehensive of any effects that could be produced by the eloquence or impassioned zeal of counsel in the due administration of justice. But if another rule were to be adopted which he had sometimes seen attempted to be enforced, that parties on trial for their lives were to be found guilty on a bare balance of evidence, on plausible subtleties, on slight presumptions as to facts, or minute details of evidence, depending on the character of those who gave it, he did hope the eloquence and arguments of counsel in cases of that description would prevail, because in such cases every man must feel they ought to prevail. But laying speculation aside, let them look to evidence. His noble Friend said, they should not draw their conclusions from the practice in states where the law and administration of justice varied so essentially from what had obtained in this country. He (Lord Lyndhurst) was ready to admit that principle. He would not take up their time in attempting to prove the fallacy of the reasoning of his noble Friend, founded on the practice in Scotland; he was prepared to rest the case on the practice established, and operating without inconvenience, where the law was the same, and administered on the same principle, as in England. With respect to the United States, he had, since he last addressed the House, had an opportunity of making the necessary inquiries, and he found that the system had worked well, and without being productive of the slightest inconvenience. He had armed himself with other authorities upon the subject. The first general authority to which he would refer, was one which showed that the practice in Jamaica admitted of counsel in criminal cases, whilst the law administered was the common law of England. The Report contained the following passages relating to that practice. A witness is asked whether counsel were allowed to address the Jury in defence of a prisoner accused of felony. The answer was, yes. He is next asked whether any inconvenience resulted from that practice; he answers none whatever. And who is this witness? No other than a gentleman who signs himself "W. A. Scarlett," brother to a noble and learned Lord, the Chief Baron of the Exchequer (Lord Abinger), who had attended in that House during the discussion of the Bill, and who had given it his full concurrence. Could anything be more conclusive than such evidence? He might cite another testimony, and more than one, but he would only refer to the Report, which stated that in the colonies counsel were allowed to address the Jury in all criminal cases, and that no inconvenience ever resulted from the practice. These facts were better than all the refined arguments and ingenious speculations of his noble and learned Friend. In all cases of misdemeanours, as well as in the graver cases of treason, counsel were permitted to plead in England, and no inconveniences resulted. In felonies such aid was not permitted here; whilst in the colonies it was, and no inconvenience followed; whilst, on the other hand, all the best authorities, men whose experience qualified them most eminently to judge of the effects of such an alteration in the law, were of opinion that it was absolutely essential to justice that the principle of the Bill should no longer be disregarded, or denied its proper applications to the practice of the Courts. Amongst these authorities were Sir F. Pollock, Mr. Alderman Harmer, and the Lord Advocate of Scotland. The noble and learned Lord had observed, that the effect of the Bill as it now stood would be to deprive the prisoner of the benefit of having the last word, which was material, in fact of the highest value to him. Now he had by no means made up his mind as to this circumstance, or whether he would deprive the prisoner of this advantage; but he had certainly advised the striking out all the clauses relating to that subject, in order to try the experiment; and he would now state that if hereafter it should be found advisable for the prisoner to be allowed to have the last word, there was nothing in the Bill by which that principle would be prevented from being admitted; and the noble Lord had quite misapprehended him when he supposed that he meant permanently to deprive the prisoner of that privilege. In his opinion the evils of the present system could not well be exaggerated. Let their Lordships picture to themselves a man placed at a criminal bar charged with a grave offence, bowed down with age, by infirmity, by disease, his senses not perfect—he neither hears nor sees well—his physical powers are all but completely exhausted, and yet no assistance of counsel afforded him—could anything be more barbarous and cruel? Yet such was the case of Lord Lovat. Let them take another case, that of a foreigner just arrived in the country ignorant of the language and whole form of procedure, obliged to conduct his own defence, and not allowed the assistance of counsel; he was entangled at once in a maze of perplexity and confusion, utterly unable to say a single word, or perform a single act, contributing to his justification. He would put still another case—the case of a man born deaf and dumb; he might not have the use even of the faculty of sight, but placed at the bar charged with felony, the case having been gone through, the judge was heard to say, "You have heard the evidence; if you have any thing to say to the jury in your own defence, now is the time; your counsel cannot speak for you." Could any thing be more monstrous and cruel? This case might appear extravagant and absurd in terms, but he had seen instances substantially to bear out the description. Yet such was the system which his noble Friend eulogised, and which must revolt every man of plain and ordinary understanding who for a moment contemplated it. Counsel were allowed to write a defence for the prisoner to read, but that of course must be prospective, depending hypothetically on the evidence which might be adduced; why not allow a defence to be addressed to the jury, founded on the actual facts placed before the jury? What was the first principle of justice? That no man should be condemned without being heard in his own defence. How were they to interpret that? Narrowly, according to the letter, or largely, and liberally, as every proposition in morals ought to be expounded? Did it mean that after a trial of ten hours, consisting of most complicated evidence, an ignorant man should be allowed to stand up and submit his comments to the attention of the jury? Would that be hearing him in his defence? No, that would not satisfy the rule of justice. The rule of justice meant this—that for every thing which could fairly and properly be rged in the prisoner's defence there should be the opportunity of urging it on the attention of the jury before he was pronounced guilty of the crime laid to his charge. He called, therefore, upon their Lordships, as the hereditary judges of the land, to interpose their authority on this subject, he called upon the right rev. Prelates, whom he greatly respected and revered, and whose minds must be deeply imbued with the principles of justice, to wipe out this stain—the relict of a barbarous age; and he could not do better than read in conclusion a short extract from an essay lately published by a member and dignitary of the Church of England, embodying in the most striking and forcible manner, his own opinions and feelings on this subject, and which he was sure would produce a deep impression on their Lordships. He said—"We have often blushed for English humanity when we have heard the reply—'Your counsel cannot speak for you, you must speak for yourself.' And this is the reply given to a poor girl of fifteen—to a foreigner — to a deaf man — to a stammerer — to the feeble — to the blind — to the old — to the most abject and ignorant of human beings! How often have we seen a poor wretch struggling against the agonies of his spirit, and the rudeness of his conceptions and his awe, speaking in the presence of learned men, and the shame of the accusation brought against him, in the sight of his parents, or his children gazing at him in court, perhaps for the last time? The mariner sinking in the waves does not want a helping hand more than this poor wretch. But the rule is alike applied to all, to the old and young, the feeble and the strong. Age cannot have it, nor ignorance, nor the modesty of youth; one hard uncharitable rule silences all defence of those wretched beings, and at the bitterest of human moments mercy is blotted out from the ways of man."

The Earl of *Radnor* had heard with much pleasure the able, eloquent, and fascinating speech of the noble and Learned Lord, although he could not help thinking the course he now pursued rather extraordinary after the opinions he had formerly stated upon this subject. In fact, he must have changed his opinions very decidedly within the last two months; for he (Lord Radnor), within that period, in a conversation had heard the noble and learned Lord state that he intended to oppose this Bill. At all events, when the noble and learned Lord was Attorney-General, there could be no doubt he supported the present system, insisting that the question depended not upon authorities but on experience. Althrough he quite agreed with the noble and learned Lord as to the anomaly of the present system, he must complain that the noble and learned Lord had delayed so long in bringing forward this Bill. He would vote for this measure, though he was not certain that, limited as it now was, it would not be mischievous. If carried in its present shape, he was convinced that it must of necessity produce further alterations, and on that account he should give it his support.

Lord *Lyndhurst* said, that as the noble Earl who had just sat down had introduced into his speech so much of matter personal to himself, he trusted that, though it was not strictly regular, their lordships would indulge him with their patient attention whilst he said a few words in reply. As to the private conversation which the noble Earl said had taken place between them on the subject of this Bill, he had only to observe that he had no recollection of it. He had had many private conversations upon it with his noble and learned Friend, (Lord Brougham) in the last Session of Parliament, and in those conversations he had intimated that he felt inclined to support it. He had not, however, at that time examined the subject, either so minutely or so carefully as to be able to come to any fixed decision upon it. As to the course which he had pursued upon it in that House last Session, their Lordships had already indulged him with an opportunity of explanation, and to what he had said then he had nothing to add now. He had taken Sir Michael Foster as his guide, but had not then entered into an examination of the reasons which that learned judge produced in confirmation of the opinion which he had formed. After examining into those reasons, and after some practical experience which he had himself obtained as a judge, he had become convinced that the objections which Sir M. Foster had urged against making this alteration in our present system were much exaggerated; and upon discovering that exaggeration, and upon contrasting the objections of Sir M. Foster, when stripped of their exaggeration, with the reasons advanced in its favour by others, he had come to the conclusion which he had already stated to their Lordships. The noble Earl had also objected to him for bringing this Bill before their Lordships at so late a period of the Session. Now, he wished to remind their Lordships of one simple circumstance, in reply to the objection of the noble Earl. The Bill came to their Lordships from the other House of Parliament. The noble Earl was quite as competent to take charge of it as he was; and yet the noble Earl had allowed it to remain four weeks on the table without taking the slightest step regarding it. He had had a conversation on this Bill with his noble and learned Friend, the Lord Chief Justice of the King's Bench; and in consequence of that conversation, and at the express desire of his noble and learned Friend, he had taken charge of this Bill. His noble and learned Friend had, however, requested him not to proceed with the Bill immediately, inasmuch as the Report of the Committee was not upon the Table. His noble and learned Friend thought, that it was necessary that the Report should be on the Table, and should be printed before he proceeded with the Bill. It was out of deference to his noble and learned Friend that he did not move the Bill sooner. He had not caused the slightest delay to the Bill; indeed, it was for the accommodation of certain noble Lords who could not have attended when the second reading of it was first appointed, that he had postponed for some time the discussion upon it. He was glad that he should have the support of the noble Earl to this measure, even though the noble Earl was not certain that it would not be mischievous, now that the clause granting the prisoner the depositions was struck out. That clause was not struck out at his suggestion; it was struck out at the suggestion of his noble and learned Friend, the Lord Chief Justice of the King's Bench, a criminal judge of great experience, and at the suggestion of another noble and learned Friend of his, the Lord Chief Baron of the Exchequer, a criminal judge of quite as great experience, he fancied, as the noble Earl himself. He had assented to their suggestion, but with this reserve, that he would not pledge himself not to bring it forward again, in case it were struck out now. In conclusion, he said that the attack of the noble Earl upon him was most uncalled for, and most unfounded.

The Earl of *Radnor* admitted, that it was quite as competent for him to have taken charge of this Bill as it was for the noble and learned Lord. There was, however, one advantage gained to the Bill, by letting the noble and learned Lord have the charge of it. The noble and learned Lord was in the habit of speaking in a majority, while he was in the habit of speaking in a minority, in that House. With regard to one remark which had fallen from the noble and learned Lord, he had to observe, that his noble and learned Friend, the Lord Chief Justice of the King's Bench, had told him (Lord Radnor) that the clause relating to the granting the depositions should be left in the Bill. The noble and learned Lord opposite had moved that that clause be struck out. He had opposed that motion; but the noble and learned Lord had insisted upon it, and it was in consequence struck out. The noble and learned Lord said that he had then followed the authority of Sir M. Foster, as laid down in Blackstone; but according to a record of the noble and learned Lord's opinions which he held in his hands, and to which the noble and learned Lord was fond of referring, the noble and learned Lord had then said, "However much I may respect the opinion of Sir M. Foster, this is a question on which practical experience was of much greater weight than any authority whatsoever."

Lord *Lyndhurst:* I never could have said so then; it must be some mistake, it would be quite contrary to the general tenour of my argument.

Lord *Plunket* would give his cordial support to this Bill, although he should have been better pleased had it gone further. He should not have troubled their Lordships at all upon the present occasion, were it not to express his satisfaction at hearing his noble and learned Friend declare that, although certain clauses had been withdrawn, he did not mean to say that he would not, at some future period, introduce a clause giving the prisoner's counsel the last word. The Bill would be left in an imperfect state, without some such clause. He considered that it was a reproach to our law, that a prisoner could not be heard by counsel, and on that account he gave his hearty support to this Bill.

Lord *Abinger* regretted that a Bill of this description had been made matter of personal discussion between two of their Lordships. Though he had originally had some doubts on the subject, the discussion which took place on it two years ago in the House of Commons, had satisfied him that criminal charges should be put on the same footing as civil charges. It was then stated, that allowing prisoners to defend themselves by counsel would not tend to facilitate convictions. To that statement it was replied, that when it was considered that the counsel who defended the prisoners were generally young men not of much experience, the tendency of the Bill would, in all probability, be to facilitate convictions. It was likewise stated, that the object of the Bill was, not that the prisoner should be acquitted, but that the truth should be investigated. That argument had produced a powerful effect on his mind; for he thought that truth would be better investigated, and that justice would be done more efficiently between the prisoner and the country, if a free discussion of the charge were had on both sides. If any one were to ask him what he, judging from no inconsiderable experience at the Manchester Sessions, and in the Criminal Courts of the Northern Circuit, considered the practical effect of the present system to be, he should say that it was favourable to the acquittal of the prisoner. Supporting the Bill as it now came amended from the Committee, he felt obliged to add, that if it had contained the clause giving to the prisoner's counsel the right of replying to the reply of the counsel for the prosecution, he could not have given his support to it. Such a proceeding would not be consistent with the investigation of truth, and was inconsistent with our practice in civil cases and in cases of misdemeanour. He did not expect that, if this Bill passed, it would greatly lengthen the time of our assizes and sessions. Many prisoners would still remain without counsel to defend them, for they would not have funds to procure such assistance; and in cases where the prisoner's guilt was clearly proved, no counsel of the least discretion would think of addressing the jury to assert his innocence. In difficult cases he must say that, as a judge, he was desirous of having the aid of counsel in elucidating the facts applicable to the guilt or innocence of the prisoner, for such aid was necessary to the proper performance of the duties of the judge himself. He knew that it was the practice on some circuits for the counsel not even to open the case against the prisoner, but to proceed at once to the examination of witnesses. That was, in his opinion, a very inconvenient practice, for the opening of counsel helped the judge to a right understanding of the case, and enabled him to know beforehand what were the facts in it essential to be proved. The judge felt the same difficulty from having no opening statement made to him of the points on which the prisoner, when he called his evidence, intended to rest his defence. The witnesses were called one after another, and for want of some explanation of the points which they were called on to prove, their examination consumed much longer time than it would do, and the defence lost much of its force and efficacy. He had no hesitation in declaring it to be his opinion, that in a majority of cases in which counsel were employed for the prisoner, they would be of the greatest utility both to the judge and to the jury. He again repeated, that if the clause giving the prisoner the last word had remained on the Bill, he should have given it altogether his most decided opposition.

The Earl of *Devon* said, that, in spite of all the authority which was arrayed against him, he felt bound to express his opinion that the measure could produce no good practical effect. There were many objections taken to the Bill, as that the new proceedings would occupy more time, to which he attached no weight; for their consideration should be solely this—whether the present practice did not lead to the calm and fair investigation of the truth. Now he apprehended that it did. As to the clauses of the Bill, there was great difference of opinion between the learned Judges of the Court of King's Bench and Exchequer, but upon those points he should not enter. In any cases, it was to be remembered, in which counsel having the power of addressing the Court for a prisoner, declined to avail himself of that privilege, the possession of it could only act in condemnation of his client. He had felt it to be due to himself, and due to that House, to come forward, and state shortly his own view of the matter.

The Duke of *Richmond* thought, that if they could rely upon the juries of Jamaica and the colonies for just discrimination, they might at least trust the juries before whom this Bill would operate, and that at any rate it would be much better that some guilty persons should escape, than that a single innocent one should suffer. As to the clause respecting the "last word," for the sake of uniformity of practice alone, which was highly desirable, he thought that clause must be readmitted. The next clause, as to the depositions, was one of considerable importance; but the question came to this—if the attorney for the prisoner were a sensible man, he would take notes, and that was the constant practice, of every word of evidence against his client; and therefore the man who was able to pay an attorney, would have a copy of the depositions; but the man who could not employ one would have no such copy, and they refused to allow him one. Again, as the law at present stood, many magistrates, upon application, were in the habit of giving the depositions to the prisoners—many not. It was the duty of Parliament to decide which was the proper course to pursue. The House of Commons, and, he presumed by their votes, Sir William Follett, the Solicitor and Attorney General, together with the Commissioners, had already declared that the prisoner was entitled to have the depositions, but the House of Lords appeared about to express a contrary opinion. By striking out that clause, did they mean to say, that the magistrates ought not to allow a copy of the depositions to be given to the prisoner? All he wished for was, that the magistrates might not be left in doubt and uncertainty upon the subject.

Lord *Lyndhurst* had no objection to insert a declaratory clause in the bill, to the effect desired by the noble duke. As some of the magistrates newly-appointed might have a doubt on the point none others he thought could, he had no objection to insert a clause declaratory of the law.

The Duke of *Richmond* returned his thanks to the noble and learned Lord for this concession. At the same time he must remind the noble and learned Lord that in the last fifteen years, some of the judges of the land had doubted whether the prisoner had any right to a copy of the depositions.

The *Lord Chancellor* thought it was of importance to have the clause restored, for he thought that the prisoner was entitled to a copy of the depositions. There had been another clause struck out of the Bill, which he much wished to see restored to it. His noble and learned Friend had, however, objected to it, saying that he could not see any reason why the prisoner's counsel should have the last word. Now it appeared to him that the reason was obvious. The defendant might have evidence to produce; but he would keep it back, not because it was unessential to his case, but because in calculating the chances he was bound to consider whether his chance was better without calling that evidence, than it would be supposing him to call that evidence, and so give his prosecutor an opportunity of replying upon it. The fear of a reply might induce him to keep out evidence necessary to his exculpation. This fear would be obviated in case the prisoner's counsel were entitled to comment on the reply of the prosecutor. It ought not to be forgotten, that by the clause itself the counsel for the prisoner was only to have this power of making a rejoinder where the counsel for the prosecution had replied upon the defence. If the prosecutor made no reply to the defence urged by the prisoner's counsel, then the case was to go immediately to the jury. Whether it was to be done by this Bill now, or by some other bill at a future period, he thought that in all criminal proceedings the prisoner's counsel ought to have the last word, when the counsel for the prosecution availed himself of his power of reply. He was glad that in the course of this debate they had at last got rid of the fiction so contrary to the fact, "that the judge was counsel for the prisoner"—counsel for the prisoner, without having any communication with his client, and without having the slightest previous knowledge of what it was for the interest of his client to prove. He would not enter into any details to prove the propriety of their Lordships assenting to this Bill. He would merely remind them of the fact which struck even the most unobservant with surprise. In cases which involved a man's property the courts of law heard both sides; but in cases which involved a man's life, they heard only one side. Moreover, the present law was singularly inconsistent with itself. If a man wrested a gun from another for the purpose of levying war against the king, that was an act of high treason, and for such a taking of a gun you not only allowed, but in case of poverty assigned, him counsel to plead his defence. If a man stole a gun from another, it was an act of felony, and for such a taking you denied to him the right of being heard by counsel in his defence. If, again, in the course of a struggle between a poacher and a gamekeeper, the poacher wrested the gun from the gamekeeper, that was a misdemeanour, and for such a taking you again restored to him the right of employing counsel to conduct his defence. Thus in the first case you granted the prisoner counsel, in the second you denied him counsel, and in the third you restored him counsel, the act being in all three instances the same, and the sole object of the variation of the law being, as admitted, the investigation of truth. He was convinced that the result of this Bill would be, that a less number of innocent, and that a greater number of guilty persons would be convicted, and feeling that truth would be ascertained by this Bill better than by the existing system, he should give it his cordial support.

Amendment negatived.

Report agreed to.

HOUSE OF COMMONS,

Thursday, July 14, 1836.

MINUTES.] Bills. Read a third time:—Deeds Ratification (Scotland); Personal Tithes; Entails Relief (Scotland).—Read a first time:—Medical Charities (Ireland); Court of Exchequer (Scotland); Theatres Metropolis; Postage on Newspapers.

Petitions presented. By several HON. MEMBERS, from various Places, for the Abolition of Church Rates.—By Major FANCOURT, from Barnstaple, in support of House of Lords.—By several HON. MEMBERS, from various Places, against Factories' Act Amendment Bill.—By Mr. BRADY and Mr. W. S. O'BRIEN, from various Places, for the Abolition of Tithes.—By Mr. O'CONNELL and Admiral ADAM, from Kincardine and Nairn, for the House to Adhere to the Irish Municipal Corporation Reform Bill as originally passed by that House.—By Mr. BRADY, from various Places, for the Abolition of Tithes (Ireland) and for the House to adhere to the Irish Municipal Reform Bill as originally passed by the House,—By Mr. O'CONNELL, from Dublin, for the House to pass a Bill to make a wider Street from Richmond Bridge to the King's Inns.—By Colonel PERCEVAL, from various Places, for Lords' Amendments to Irish Municipal Corporation Reform Bill; and from the Inhabitants of Whitcombe Street and Dorset Street, Westminster, that no Omnibus may be driven down a Street that is not at least twenty-four feet clear from the Curb Stone on the one side to the Curb Stone on the other.

TRINITY HARBOUR — LORDS' JOURNALS.] Sir Andrew L. Hay moved, that a Committee be appointed to search the Lords' Journals for the proceedings that took place in that House with respect to the Trinity (North Leith) Harbour Bill.

The *Attorney General* said, that he would not object to the motion, but if his hon. Friend intended to ground any measure on the application, and if, after they now had arrived at the 14th of July, he should introduce a private Bill for making a harbour at Trinity, he would certainly oppose it.

Sir *A. L. Hay* said, that the application was made in consequence of some alterations which had been made in the money clauses of the Bill since it had gone to the House of Lords, and which were fatal to the Bill in its present shape. It certainly was his intention to follow up this application by re-introducing the same Bill in that House. The alterations which had been made in it were made by the Speaker of the House of Lords, without the sanction of the Committee of that House; and he would put it to the House whether it would be just or right that a Bill which had undergone the fullest consideration and had passed two Committees of that House, and the Committee of the House of Lords, should be allowed to drop on account of an informal proceeding such as he had described.

Sir *G. Clerk* hoped that the hon. Member would give notice of the day when it was his intention to move for the re-introduction of the Bill. He did not think that the circumstance which had occurred in the Lords would justify such a motion. There was no instance of leave having been given to bring in a new Bill of this kind at this late period of the session, unless with the consent of all parties interested. Now, this Bill had been contested in every stage through that House, and it was not likely that the parties who opposed it would assent to its re-introduction. There were other circumstances that rendered the re-introduction of the Bill objectionable. He repeated, therefore, his hope, that the hon. Member would give ample notice of his motion.

Sir *A. L. Hay* said, that he had no intention to interfere with the regular established usages of that House. He had been informed, however, that Bills under similar circumstances had been re-introduced into that House within a fortnight of the end of the session, and carried through. After the examination of the Lords' journals he would move for the reintroduction of the Bill.

Mr. *Wilks* said, that after the immense expense and labour which had been incurred in carrying this Bill through the House, it would be cruel upon the parties that their measure should be defeated on account of the extraordinary proceeding that had occurred elsewhere. He hoped, therefore, that the House would entertain favourably an application for its re-introduction.

Mr. *O'Connell* said, that he was a Member of the Committee on the Bill last session, and that in his opinion a perfect case had been made out for it. The Government, however, interfered on that occasion, on account of debts which were due from the port of Leith and city of Edinburgh, and the promoters of the Bill were obliged to withdraw it, and re-introduce it this session. He had since had an opportunity of seeing the situation where this harbour was proposed to be erected, and there could not be one more admirably adapted for the purpose. It was a great object with the public that this Bill should pass, and it would surely be most unjust, that on account of a blunder or something worse that had occurred elsewhere, such a measure should be lost. As to want of notice, this was the best battled Bill that had ever perhaps been before the House.

The *Attorney General* said, that his great object was to obtain a good harbour for the city of Edinburgh. It was his firm conviction that it would be for the benefit of the shareholders and of the public that this Bill should be dropped.

The motion carried, and the Committee appointed.

BRITISH POSESSIONS NI INDIA.] Mr. *Hume* rose to address the House, being very anxious, he said, to fulfil a duty which he owed to the people of India, when

Mr. *Goulburn* rose to order. He understood that it had been agreed upon by the House that orders of the day were to take precedence of motions.

Sir *R. Peel* observed, that it had been thought necessary, for the more convenient despatch of public business, to arrange that orders of the day should take precedence of motions on all other days than Wednesday, and when he saw that a single Member of the House, on some understanding not recognised by the House, could bring forward a motion, he must say that he thought it a very bad precedent. There might be some peculiar case which would justify a departure from the rules laid down, but unless that were the case, it must be a dangerous precedent, and, to say the least of it, might be accompanied with very great partiality. He had been given to understand by the notification which had been left with the clerk of the House, and which was in the hand-writing of the noble Lord, the Member for Stroud, that not only would the rule be adhered to for the orders of the day taking precedence of motions, but that the Established Church Bill would come on at an early hour. The first information which he had received to the contrary was to find, on coming down to the House, that one particular motion was to take precedence of all other business. Such a precedent was, he must repeat, most dangerous and liable to be abused.

Mr. *Hume* would only appeal to the recollection of the right hon. Baronet, whether, when the proposition was made that the orders of the day should take precedence of motions, an exception was not made in favour of this particular motion. If, however, it was productive of any inconvenience to the right hon. Baronet, he would not press it.

Sir *R. Peel* assured the hon. Member for Middlesex, that the course he was pursuing occasioned no personal inconvenience to him; but he could not permit such a precedent to be established without protesting against it. There were 658 Members in that House, and if they were all to follow the example of the hon. Member for Middlesex, the greatest confusion would be the consequence. He thought, that when the House had laid down a rule, no private or individual Member should have a right to act in opposition to it. He should, however, content himself with protesting against the precedent.

Mr. *Hume* then proceeded to state, that he had the honour a short time back to present a petition from the inhabitants of Calcutta, which had been agreed to at one of the most numerous meetings ever held there, and when he stated that the motion which he was about to bring forward was founded upon that petition, and that it involved the welfare of upwards of 80,000,000 of individuals, he trusted that it would not be considered unworthy of the attention of the House. The petition, which had been printed, and which, he trusted, was in the hands of every Member of the House, stated the situation of the country in regard to the effects of the late legislative enactments respecting it. By the late alterations in the Charter of the East-India Company, the government of India had undergone a very considerable change, and the protection which the British subjects there had hitherto enjoyed had been in a manner withdrawn—namely, the protection of the Supreme Court; because power was given by the 43rd section of the Act to the Governor-General in Council to legislate without any interference or advice. Now, although the late governor had returned, and no complaint was made against him by the petitioners, he was anxious that the rights of the people should not be dependent upon the authority of any one man. The law-makers in India were entirely irresponsible; against their proceedings there was no appeal, save to that House or to the King. No notice was ever given, or required to be given, of any regulations they might think proper to adopt, although they must be implicitly obeyed, and might affect the property, rights, and liberties of the people; it was therefore no wonder that they complained of being placed without the pale of the British Constitution. Remembering the mischiefs which had been committed by many governor-generals of colonies, he must say, that he thought no man could wish to see the important colonies of the East Indies placed in a situation that would render them liable to similar misfortunes. The prayer of the petition was therefore a reasonable one; it was, that they should be taken under the protection of the British laws, and that they should not be left at the disposal of the Governor-General in Council, that Council being composed of five persons, namely—the Governor-General himself, a commissioner-in-chief, two civil officers appointed by them, and another appointed by his Majesty. The proceedings of this council were secret; it had no sympathy or communication with the people; it was elevated above their society and a knowledge of the real state of society, with which every law-maker ought to be acquainted. It was quite true that the appointment of Mr. Macaulay was intended to prevent any law being made in opposition to the British laws; but every one knew that he had nothing to do with any regulations that might be ordered, and which being ordered, were as powerful and as paramount as the law itself. When he stated that the Governor-General, in his own person, could make such laws, he wished to recall to the recollection of the House, that in the case of Warren Hastings it was decided that the Supreme Court should be placed under the authority of the Crown alone, but now it was under the authority of the Governor-General. He regretted the rapidity with which the Act that conferred this irresponsible power had passed through the House. In fact, the Bill granting the new Charter had been hurried through Parliament with a degree of haste scarcely precedented by an Act for paving or lighting an English parish. He hoped that the House would take an early opportunity to grant the same rights and privileges to the people of India which every Englishman enjoyed, even in the remotest parts of our possessions. He did not see why there might not be selected out of a very large and influential body of men in that country some additional members of the council chosen on popular and responsible principles. The protection of the King's courts of justice had been withdrawn from upwards of 1,000,000 of people in the various presidencies, and that without any fault of theirs. The evils under which the people laboured in consequence of the alteration in the laws, had been discussed by them at the public meeting he had mentioned, and the sentiments delivered there by natives as well as Europeans, however they might excite surprise, proved that it was highly necessary to establish a better system of government in India. It appeared that the absolute power given by section 43 of the Act could not be continued without dissatisfaction. The meeting complained that the Act had been framed for the benefit of the India Company and of individuals in this country, without reference to the interests of the people of India. Although, under the 87th section of the Act, natives might be appointed to offices, it was rendered nugatory by the condition that they should have been previously educated at the college of Haileybury. The right hon. Baronet, according to report, had selected one native to fill an office of considerable importance, and he wished to know if it were true, or if the 87th section were to remain a dead letter? The Act abolished all distinctions of colour and religion, but this provision was nugatory in consequence of previous education at Haileybury being rendered necessary. It was worth while to remark, that for the benefit of the professors of the religion of the Church of England, an ecclesiastical establishment of from 40,000*l.* to 50,000*l.* a year had been fixed upon India, while not half as much had been done for the many millions of Hindoos and Mahometans. In 1814, the Church establishment of India cost only about 9,000*l.*, but in 1826 and 1827 it was raised to 39,000*l.*, and the addition of two new bishops had still further added to the weight of the burden. The petitioners also complained that no attention was paid to the spread of education. At the meeting at which this petition was agreed to, one of the natives exposed the grievances which the people complained of, both with regard to the eligibility to office, and their being obliged to maintain a church establishment. That native referred to the establishment of Haileybury College, and declared that the sooner it was abolished the better. With regard to the Church Establishment, the same native asked why he should be compelled to pay for the support of another religion?—that he could not find in the sacred book of the Christians what sanctioned such a principle as this. Then with regard to education, it was complained, that while two bishops were added to the establishment, there was no provision made for the education of the people. He regretted very much to find that the subject of education should be so much neglected in India. It was of the greatest importance to England that that education should be attended to. What, he asked, ought not the people of this country to do to remove the people from that idolatry which they practised? While they (the people of England) felt that they were in the right, the Indians were labouring under the most grievous error. While they felt this, ought they not, then, to employ the means within their power, by education and instruction, to remove the errors from their minds, and bring them thus to the practice of a purer creed? They were now raising 20,000,000*l.* annually from the people of India, and of that enormous sum but very little was applied to their instruction. Instead of relief being granted to them, the people complained that additional burdens had been imposed upon them. They stated, that under the new Act there was entailed upon them, in patronage, not less than 60,000*l.* annually. There had been ten new additional appointments made at 6,000*l.* a year a piece. He thought they had great reason to complain of any great additional burdens being imposed upon them. The House was to bear in mind that every additional salary granted in India, was an additional burden upon the people. He understood that within the last twelve months there had been a surplus. He trusted that this was the case, and that it would lead to a remission of the load of taxation upon that country. He begged emphatically to press upon the attention of the House that fact put forward so strongly by the petitioners, that every additional salary was a tax upon them. Such being the case, the House was bound especially to consider the situation in which the petitioners were placed. They had no protection against that load being increased, while care was taken that the dividends upon the stock should be protected. He thought he had said enough respecting the Government; the next point to which it was his duty to advert was, that of the commercial disabilities of India. An amelioration was recently made on the article of sugar. He hoped that concession, recently made by his Majesty's Government, would be extended to the whole of India—that it would not be confined to Bengal alone; but that Madras, Bombay, the Prince of Wales's Island, and every other place, would feel the benefit of the equalization of duty on that article. The sooner the anomaly was removed, in his opinion, the better. He hoped the President of the Board of Control would look to this. He knew the Court of Directors interfered very little in such matters, and what he often complained of was this, that the Board of Control did not stand between the people of India and the Court of Directors. He thought that the trade and manufactures of India had been ruined by the injurious competition permitted. Why, he asked, were the cottons of England to be imported into India, paying only a duty of 2½ per cent., while the Indian had to pay for the importation of his manufacture into this market a duty of 10 per cent.? That was not equal justice. It would be fair if every English article was admitted free of duty, and that the articles from India came here free of duty also. There was 2½ per cent. upon articles sent into India, while articles from India paid a duty of from 10 to 30 per cent. He trusted that an improvement would be made in this matter. Why, he would ask, was not rum from India to be placed on the same footing as rum from other colonies? Why was colonial rum to pay only a duty of 9*s.*, and Indian rum 15*s.* a gallon? Was that fair towards a possession of theirs from which they drew so much money? Then there was tobacco. Why was there to be a higher duty upon that article than upon what they received from their colonies? He should not now enter into the question of other duties, but he earnestly hoped that his Majesty's Government would introduce, the next session, an equalization of duties, which would prove as favourable to their colonies as he was sure, in its effect, it would be advantageous to themselves. In the petition there was a complaint respecting the monopoly upon salt. It was a proof that trade must be a bad one, when it was allowed to be stationary for several years without any increase whatever. The same might be said with regard to opium as to salt. Now in July, 1832, the President of the Board of Control declared that it was agreed by Government that the salt-tax should be removed, and it was added that the matter was then under consideration. Three or four years had now passed over their heads, and nothing was done, until the hon. Member for Chester moved for a committee upon the tax on salt. Though they paid the Board of Control largely—that Board received not less than from 30,000*l.* to 40,000*l.* a year—yet they appeared to him to be doing nothing. The hon. Member concluded by moving the following resolutions:

1. "That this House will take an early opportunity of considering the allegations

made in a petition from the inhabitants of Calcutta, presented in the present session of Parliament, against some provisions in the Act passed in the third and fourth years of the reign of his present Majesty, and entitled 'An Act for effecting an arrangement with the East-India Company, and for the better government of His Majesty's Indian territories, till the 30th day of April, 1834, with a view to a revision of the same, and the redress of such grievances as shall be proved to exist.'

2. "That the monopolies of salt and opium exercised by the East-India Company within the British dominions in India are incompatible with sound principle, and detrimental to the agricultural and commercial interests of India; and they ought, conformably to the expectations held out by the Ministers of the Crown, to be abolished as early as the same can be effected, without prejudice to the local revenues of India.

3. "That the discriminating duties levied within the United Kingdom on various articles the productions of the British possessions in India, are impolitic and unjust, alike injurious to the producers in India, and to the consumers in the United Kingdom; and that such duties ought, with the least practicable delay, to be reduced to the same amount as those levied on corresponding articles, the produce of His Majesty's colonies in the West Indies.

4. "That it is just and equitable that the same duties and no other should be levied on manufactured articles, the produce of British India imported into the United Kingdom, as are levied on the corresponding articles of British manufactures imported into all British possessions in India."

Sir *John Hobhouse* could assure his hon. Friend, that he had given his attention to the matter to which the petitions referred. Notwithstanding all that his hon. Friend had been pleased to say of the Board of Control, and the Gentlemen in that office, he could assure him, that their attention was constantly directed to the affairs of that great country, which were now the subject of discussion. Since he had the honour of filling the high office which he now held, he knew of no subject connected with it, brought under his notice, that he did not pay to it the best attention in his power. He owed to the kindness of his hon. Friend, the opportunity of looking over the petition which was now brought before the House. Now in looking over the allegations contained in that petition, he could not, he was bound to say, think that the situation of India was as desperate as the petitioners seemed to consider it. Some time, he thought, ought at least to have been given, to see how the new charter operated. He should have thought, that the petitioners ought to have waited a little longer than nine months before they cried out so vehemently. They might at least have delayed their petition for some time. His hon. Friend had with great propriety not entered into all the allegations contained in the petition. The main complaint made in the petition, and what appeared to be the source of it altogether, was that allegation to which the hon. Gentleman had first alluded. That was the 43rd section of the new charter, and by which the power formerly vested in the Supreme Court of India was now taken away from them. To give effect to the regulations of the Governor-General, it was necessary they should be registered in the Supreme Court. Now this was a subject which underwent a severe scrutiny in that House—whether or not that Court should have a concurrent authority with the Supreme Government. In consequence of the unanswerable arguments advanced by Lord Glenelg and Mr. Macauley, this new section was introduced into this charter, and by which it was declared that no longer should a court of justice have that which in his opinion it ought not to have, a concurrent authority with the supreme power of the state. Any one who looked at India, must be aware that many of the mischiefs that had arisen in that country were owing to this very power being lodged with the Supreme Court. He was sure that the hon. Member for Middlesex must confess that it was best to have authority vested in the Supreme Government; and, in cases of emergency, in the Governor-General of India. It was for the benefit of the Government and the governed that there should be a centralization of the supreme power in one high authority. Now it was to be remarked that the chief movers of the petition were legal functionaries in the Supreme Court. It was natural that those from whom authority was taken away would feel it to be a grievance. It was natural they should so feel it when the authority was taken away from a Court to which they owed their fame, practice, and emoluments. It was not to be supposed, however, that all lawyers concurred in this opinion. There were lawyers and judges in England, who thought there ought not to be a concurrent authority. What did the complaint amount to after all? Whereas, according to the old system, Government was able to legislate for the whole of India, with the exception of some districts, it would now legislate for all India, including those districts. Nothing could be more absurd than the complaint, that because a provision had been made to do equal justice to Europeans and natives, they therefore lamented, that there was a law for all—that Europeans and natives should be tried by the same tribunals, and no exception be made in favour of any one class. Another point touched upon by his hon. Friend was, the abomination in his eyes of Haileybury, and the not giving promotion to the natives. The Act was only nine months in operation, and yet these petitioners took upon themselves to declare that it was not the intention to promote natives. Now he could say, that the very contrary was the intention of the Government, and he was sure that it would be fully acted upon by the Noble Lord, who was now at the head of the Indian Government. With respect to Haileybury, he could say for himself, that he felt exceedingly unwilling to do away with an institution intended to form young men for filling situations of great importance in that vast empire, of which England had the government. If, however, it should appear that it was not proper to continue that establishment, then he should be prepared to do away with it. Now, as to the ecclesiastical establishment, he was not answerable for it. It was commenced in 1813, and there had been only added upon that ground by his hon. Friend, an additional charge of 1,000*l.* a year. He had yet to learn, however, that it was not proper to allocate a portion of their revenues to an establishment for the purpose of propagating Christianity. The native to whom reference had already been made, said, he felt no interest in the religion for which the money was given. Why, he did not know that the same person felt an interest in the Government, and therefore might object to pay taxes to it. That person might prefer the Rayahs, or the Musselmen, as his rulers, and if they were to consult the persons over whom they ruled, they would never be able to lay on a tax; they could not raise a tax but for an object purely national, and in that case they would in a short time have to give up taxes altogether. His hon. Friend complained that dividends were secured by Act of Parliament. Why, that was part of the bargain. They were at all events bound to secure their property, which had previously never been in danger. His hon. Friend said, that the Board of Control had nothing to do; he assured him they had a great deal to do. The duties he had to discharge were greater than in any of the offices he previously held. They required constant labour; and to discharge them, the whole of his time (a fact which any one who had been in the situation he had the honour to fill could bear witness to,) was required. Another part of the complaint was, that there was 2½ per cent. charged upon English manufactures, and 30 per cent. upon Indian manufactures. How would the Indians like an equalization of the duty, by raising that imposed upon the English to be equal to theirs? Was that what his hon. Friend complained of? He was certain that he should have no objection, if his right hon. Friend, the President of the Board of Trade, could lower the duties. His hon. Friend had complained that there was nothing done with respect to the duty on salt. Why, taking into consideration the very large revenue received from it, it was very natural that they should be apprehensive in touching it. His hon. Friend had stated the revenues of India incorrectly; he gave 22,000,000*l.* as the revenues of India. They were, in fact, 18,350,000*l.*, and salt comprised a very considerable item in that revenue. Opium also, to which his hon. Friend had adverted, was another considerable item. Were they, then, prepared to take away at once those two taxes without some substitute for them? He was sorry to add that, instead of a large, there would be a very small surplus from India.

Mr. *Hogg* said, that he had read the petition now before the House, but that he did not find in it one word or one topic comprised in the resolution which they were now called upon to agree to. There was nothing, for instance, about either salt or opium in it. The hon. Member for Middlesex had spoken at considerable length upon the subject of the petition, but at the same time he also moved, that the consideration of the petition should be put off, and not one word did he say either about salt or opium. The resolution was, "That the House should take an early opportunity of considering the subject of the petition." The petition, as he believed, had been here for sixteen months or more, and surely, if there was anything in it worthy of attention, it was high time it should receive it now. He suspected that the hon. Member's intention was to give the "go-by" altogether to the petition. He hoped the hon. Member did not mean to bolster up the hon. Member for Cheshire and his Salt Committee. No doubt any commercial monopoly was a grievance justly to be complained of; but he did not consider the salt-tax such a monopoly; it was merely and purely a means of collecting a revenue. He certainly thought that the discriminative duties kept up between the mother country and India were a positive grievance; that English cottons should be admitted into India at two-and-a-half per cent. duty, whilst the manufactures of India paid ten per cent. in this country, he thought extremely unjust. He hoped the hon. President of the Board of Trade would consent to admit a little of his principle of free trade and reciprocity into operation with regard to India.

Mr. *Stewart M'Kenzie* said, that when the resources of India were fully developed, the people of this country would be surprised at the ignorance under the operation of which they had so long been induced to uphold the exclusive system with regard to India.

Mr. *Poulett Thomson* understanding, that the petition on which these resolutions were founded was dated a very considerable time ago, was not surprised that the gentlemen who had signed it had done so, since they must necessarily have been ignorant of the changes which had taken place; but he could not acquit his hon. Friend, the Member for Middlesex, for presenting a petition which he must have known was not borne out by facts. One of the resolutions of the hon. Gentleman, was "That the discriminating duties levied within the United Kingdom on various articles, the productions of the British possessions in India are impolitic and unjust, alike injurious to the producers in India, and to the consumers in the United Kingdom; and that such duties ought with the least practical delay to be reduced to the same amount as those levied on corresponding articles, the produce of his Majesty's colonies in the West Indies." Now who that read that resolution would not, if unacquainted with the subject, imagine that there was a great variety of articles on which discriminating duties were levied. But he (Mr. P. Thomson) utterly denied that the fact was as stated by his hon. Friend. There did not exist a discriminating duty on more than three articles between the East and West Indies. It was in 1833 that he (Mr. P. Thomson) went through the list of Customs, and he then found only twenty different articles on which there were discriminating duties, and he then was enabled to strike fifteen out of the list. The state of the revenue last year permitted him, following out the principles on which he had before acted, to assimilate the duty on coffee, one of the great articles of Indian produce, with West-Indian coffee, and this year the duty on sugar, another great article of produce, had also been assimilated. There now remained but two articles on which the duties had not been assimilated. What were they? Spirits and tobacco. Now as to the first he (Mr. P. Thomson) did not much differ in opinion with the hon. Gentleman:—at least he had no great objection to the admission of spirits. But he believed that if the duty upon spirits were assimilated to-morrow, that article would not be produced in India to any extent. The assimilation of the duty upon sugar might cause British capital to be directed towards it, and probably rum might be produced. But it was not fair to hold out the discriminating duties as a very serious injury to the producers of spirits. The House would recollect that this was an article of revenue; and he (Mr. P. Thomson) would look at it solely in that light. Then as to tobacco, he was willing to admit, he thought it bad that there should be a lower duty upon West-Indian tobacco than upon American. But when it was remembered that on 300,000*l.* worth of tobacco we raised a revenue of 3,000,000*l.*, it would be seen to what a loss of revenue, if the hon. Member's proposition were assented to, wemust on the one hand subject ourselves, and upon the other, how very little benefit would result from it to our Eastern possessions. And he would ask the House, would it not be most unwise, for the sake of promoting the industry of India to so uncertain and inconsiderable extent, to endanger so large an amount of revenue, and oblige ourselves to seek elsewhere for the amount, perhaps in much more injurious and obnoxious and impolitic taxes; and having thus gone through the articles on which discriminating duties did exist, he (Mr. Thomson) must say that unless the hon. Member for Middlesex could produce any other articles, he was not justified in proposing that general resolution which he had just read. [Mr. *Hume*: Cotton.] That is included in the next Resolution. "That it is just and equitable that the same duties and no other should be levied on manufactured articles, the produce of British India, imported into the United Kingdom, as are levied on the corresponding articles of British manufactures imported into all British possessions in India." Now, upon this point he (Mr. P. Thomson) agreed with his right hon. Friend, the President of the Board of Control, that the parties who had a right to complain were not the Indians. They had the privilege of getting our manufactures, which as his right hon. Friend justly said they had almost exclusively—at the low rate of two-and-a-half per cent. We, on the contrary, are obliged to pay ten per cent, if we wished to wear their manufactures. Now it might be very proper to reduce the duty upon manufactures coming from India to two-and-a-half per cent, and thus to give the Indians the same encouragement to export their manufactures as they now possess for importing ours. But then it was to be considered that the whole revenue system, the whole fiscal arrangements of the country, would be violated by such a measure. In India the revenues were not dependent upon the Customs' duties: there we had the salt monopoly, the opium monopoly, and other taxes of a similar description, by which the public expenditure was supported. But in this country, the Customs were the great source of the revenues; and these duties upon the importation of Indian manufactures formed part of a vast system now existing for the collection and protection of the revenues of this country, it might be an unwise, it might be an impolitic system; but still it existed, and it would be impossible to admit the principle which this resolution proposed in one branch of it, without extending it to every branch, and destroying it altogether. If the principle were to be admitted in this case, that because British manufactures were allowed to be imported into India at a low rate of duty, therefore ought Indian manufactures to be imported into this country at a similar rate of duty? It must be admitted in respect to every article of manufacture from which this country raises a revenue, it must be applied to all that constitutes the industry of a people. Now he (Mr. P. Thomson) was of opinion that we could not afford that at present. We must raise a high revenue on the produce, whether it be of our colonies or of foreign countries, and till we are enabled to do without that revenue, he contended that we could not admit the principle of this resolution. It would be absurd to make distinctions between one branch of manufactures and another—we must apply the same principle to all, there was no reason for selecting the particular instance for making an exception to the general rule. He (Mr. P. Thomson) was happy that during the last few years, the Government had been enabled to show the people of India that they had their interests at heart. And he was anxious as far as the commercial relations of that country went, to advance its interests in every way within his power. But he could not, for the reasons he had stated, agree to the resolutions of the hon. Member for Middlesex.

Mr. *Buckingham* was desirous of making a remark on the subject of the salt monopoly. To tax an article of general consumption was at all times impolitic; but in India, where salt was not a luxury, but a condiment essential to the health of the people, any impost upon that commodity must be oppressive in the extreme. He hoped that the Government would proceed in the career which they had begun; and he trusted, that having assimilated the duties on East and West Indian sugars, they would make haste and remove those discriminating duties upon East-Indian goods which still remained.

Mr. *Aaron Chapman* said, in reference to what had fallen from the Chancellor of the Exchequer, all that he (Mr. Aaron Chapman) had heard from the parties to whom the right hon. Gentleman alluded, was some apprehension lest the benefits of the measure proposed by Government should not hereafter be extended to Madras and Bombay.

An *Hon. Member* said, he never heard a more extraordinary error than that into which the parties alluded to must have fallen upon this subject; for he himself had asked the Chancellor of the Exchequer, upon a former occasion, whether he meant to exclude the Presidencies of Bombay and Madras from the operation of the Bill, and he had given the same explanation as that which he had just furnished.

The *Chancellor of the Exchequer* wished to say a few words on this subject, in consequence of some observations which had been lately made, not in, but out of the House, with respect to the assimilating duties which had been laid on East-India sugars. No restriction was imposed on their produce, but what had been also imposed on West-Indian produce. The principle of the Bill which was adopted by the Government, acquiesced in by the West-Indian interests, and approved of by the body representing our East-Indian possessions, was, that they had to make their election between being an importing or exporting country, but that both they could not justly be. It was in consideration of the Indian interests that that course was taken, and never was there any matter which afforded him greater surprise than his finding, after the question had been brought to a satisfactory adjustment, that, in place of being received as a pledge of the kind intentions of this country towards India, the Bill was no sooner passed than it was complained of as a hardship and a grievance, while it was intended as a benefit and a blessing. He did not say, that if hereafter, at any future time, it should appear desirable, with regard to the interests of Madras and Bombay, that those Presidencies should be placed on the same footing as Calcutta, in reference to this subject, it would not be in the power of Parliament to effect such a measure, or that he should not be ready to support it, and to act upon it. But he did complain when such a concession had been made, holding out, as it did, such advantages to the shipping interests of Calcutta, that it should be stigmatized as unjust and partial, and as not founded upon equitable principles.

Mr. *Hume*, in reply, observed that the Indians were treated with gross injustice, and in proof of that, referred to the tax upon pimento of 3*d*. per pound, being 60 per cent., and upon black pepper of 1*s*. a-pound, being 300 per cent. on their value. He saw no reason why the tax on tobacco should not be reduced, as we ought to follow up the principle of reciprocity. He would not trouble the House by dividing upon his resolutions, but would be contented by their being put from the Chair.

The 1st resolution negatived.

On the 2d 3d and 4th, the previous question was put and agreed to.

Established Church Bill.] The report on this Bill having been brought up, on the question, that the amendments made by the Committee be read a second time,

Mr. *Cayley* objected to the manner in which this and other measures relating to the Established Church had been hurried through the House. In his opinion, none of those measures were calculated to place the Church upon that broad basis on which he, and other friends of the Church, wished to see it placed. He thought that, in these days, it was a monstrous thing to grant the revenues of the see of Durham to the support of the college, without opening it to all classes of the King's subjects. He felt it would be now useless to divide the House upon the question; but he strongly protested, as well against the manner in which it had been hurried on, as the principles on which it was framed.

Mr. *Lennard* concurred in the observations just made by his hon. Friend; and added, that his were also the opinions of the inferior clergy of the diocese of Durham. He thought the Bill ought for the present to be postponed, and, in the next Session, that a general measure of Church regulation should be introduced.

Mr. *Poulter* must object to a measure founded on principles contrary to those which were indispensable to the final and satisfactory settlement of the great question at issue. If the House called before them the necessary evidence, they would find that there might be derived from the income of the dignitaries of the Church a large surplus, which might be more advantageously employed. He was convinced that no less a sum than 25,000*l*. might be derived from that source, with which forty or fifty benefices might be created in populous districts in which they were needed. Why not, also, release archbishops and bishops individually from all temporal matters, such as granting leases, &c., and allow them to devote themselves exclusively to spiritual concerns, by vesting the estates of the Church in a board of archbishops and bishops? Let his Majesty's Ministers, who were, no doubt, honourably ambitious of fame for their political conduct, add to it the fame which would attend measures in which the real interests of the Church were consulted. As the Church of England now stood, it was evidently declining. To prevent this from going on, they ought to be up and stirring; they ought to do something which should be of a final, and not of a temporary character. Motions had been made in that House as to the right of archbishops and bishops to seats in the other House of Parliament, which motions, he believed, originated in political motives, and which motives, therefore, he blamed; but he equally blamed the attempt of those who were on the other side of the question to bury the whole subject in silence, and to refrain from correcting the notorious abuses in the Church establishment. There was another point that demanded attention. If they wished to conciliate the Dissenters, and to draw to the Church of England those who were not at present in communion with it, let them look a little to the liturgy and articles of that Church. Let them consider whether they might not remove from the liturgy some matters that were generally deemed objectionable. Let them consider whether they might not advantageously expunge the Athanasian Creed, and some of the articles; for instance, that which spoke of works as splendid sins.

Mr. *Plumptre* eulogised the ability, learning, piety, and devotion of the clergy of the Church of England. It was impossible for any set of men to labour more diligently and honestly in their vocation than they did. He did not say that the Church was faultless, but he did say that the assertion of the hon. member for Shaftesbury, that it was on the decline, was unfounded.

Mr. *Charles Buller* complained of the manner in which so important a measure was hurried through Parliament. The Bill was drawn up so, that it was very difficult to propose any amendment to it. The fact was, that the Bill was chiefly founded on some Reports of the Church Commissioners, so recently made, that there had not been sufficient time to consider them.

Mr. *Robinson* was a great friend to the Establishment of the Church of England, but that he did not think that this Bill was at all calculated to conduce to its real and permanent benefit. He was decidedly opposed to the translation of bishops, to the small stipends of some of the working clergy, the pluralities, and to non-residence; and although he did not agree with the hon. Member for Shaftesbury in all respects, he admitted the justice of his observation, that we ought to take such steps as might conciliate and attract those who were not of our communion. For the attainment of all the objects to which he had alluded, the Bill fell short of providing adequate means. He wished the archbishops and bishops to be duly provided for; but he never could believe that there present splendid revenues could conduce to the benefit of the Church itself. So far from it, in his opinion they did that Church great harm. He regretted, also that the motion which had recently been made in that House for the abolition of the translation of bishops had been rejected. Human nature was much the same in bishops as in other persons; and when a bishop expected translation, it was hardly to be supposed that he would pay the same minute and vigilant attention to the spritual welfare of his see, as he would do if he knew that he was to remain in it for life. He should like to see the measure postponed to another session, which would give the country an opportunity of examining the reports on which it was founded, the archbishops and bishops an opportunity of studying the subject, and the inferior clergy (than whom a more amiable, excellent, exemplary, and pious body of men never existed) an opportunity of looking into the matter; the result of which investigation he had no doubt would be, that they would agree with him that the present measure of Church reform did not go the length which was essentially necessary to the permanent welfare of the Church itself.

Mr. *Hume* observed, that when the Bill was in Committee he had protested against its inefficiency: since that time he had looked into it well, and his objections had been completely confirmed. He would put this single proposition to the noble Lord who had the charge of this Bill. That noble Lord had postponed the Church-rates Bill to next session, on the ground that there was no time for it; and yet that referred only to the appropriation of about 250,000*l.* Now if there was not time for that minor measure, he put it to the noble Lord how there could be time for the present larger and more important measure? How could the noble Lord think of passing, in so hurried a manner, a Bill which allowed the Church Commissioners to do what they pleased? Was it possible that such a measure could be satisfactory to the people of England; or that it must not speedily undergo revision? He had, not half an hour ago, received a resolution, signed by the united Committee of Dissenters, and which embodied all the opinions that he (Mr. Hume) had expressed on the subject. He could see no reason why an Archbishop of Canterbury should have 15,000*l.* a year; or why the bishops should have more than 3,000*l.* or 4,000*l.* a year, as the judges had, except as a matter of whim. He objected to these extravagant incomes of the dignitaries of the Church, as incompatible with the real interests or the existence of the Church. He held it to be a bad Bill; and the short and the long of it was, that it ought not to pass. He would therefore move as an amendment, that the amendments be read a second time that day six months.

Sir *Robert Peel* was of opinion, that his Majesty's Government having duly considered what were the best means of securing a measure of practical Church reform, had actually brought forward a measure to accomplish that. If the House rejected the Bill, they would reject a great benefit. If, for instance, the House rejected the Bill, they would enable his Majesty's Government, in the event of a vacancy occurring in the diocese of London, to appoint a Bishop, who would retain all the emoluments that at present belonged to that see. If the House agreed to press that Bill they would establish the principle that the maximum revenue of the Bishop of London should not exceed 10,000*l* a-year. He cordially approved of the course taken by the King's Government on the present occasion If they had adopted any other course—if, for instance, they had proposed to submit the minor details of the measure to the consideration of a Committee of the whole House, it would be impossible for the Legislature to pass any Bill upon the subject in the present session of Parliament. If the House felt generally satisfied with the principle of the measure, he thought that the details of it might very safely, and very properly, be left to the consideration of a commission appointed by themselves. At all events, he thought that that would be a better course for the House to adopt than to reject the Bill for the present session. So much as to the mode of proceeding. He would now say a word or two as to the principle of the Bill. He apprehended that the Bill proceeded upon the principle, that bishops were to continue to sit in the House of Lords. If that were the fact, the House, when it came to consider the expenses to which the bishops were subjected from the necessity of residing a portion of the year in London, independent of the claims upon their charity and benevolence, would see that the amount of emolument proposed by this Bill to be left to the office of bishop was by no means extravagant. An hon. Gentleman opposite had asked why the income of each should not be limited to 4,500*l* a-year? When that question was put he thought sufficient consideration was not given to what must necessarily be the difference in the expenditure of the holders of different bishoprics—4,500*l*. a-year might be an abundant income in one bishopric, whilst in another it would hardly be more than sufficient to provide for the ordinary claims upon the benevolence of the diocesan. As to what had been said of the advantage to be gained to the Government from the translation of bishops he must say, that he thought a most erroneous impression existed upon that head. But even if it were possible for a Government to obtain any undue advantage in that way, he thought that the check of public opinion would be much more effectual than any law that could be passed upon the subject. He thought, however, that no Government that could exist at the present time was likely to attach the slightest importance, or to look for the smallest advantage, from the translation of bishops. It seemed to be taken as an objection to the Bill, that it did not provide directly and positively against the translation of bishops. But although the Bill contained no positive enactment upon that head, it must be obvious to every one that it afforded every possible discouragement to translations, by producing as nearly as possible an equalization of the incomes of all the bishops, or by far the greater number of them. Under the provisions of the present Bill, the incomes of the majority of the bishops would vary from 4,000*l*. to 5,000*l*. a-year. The utmost difference between them would not exceed 700*l*. or 800*l*. a-year, yet some of the hon. Gentlemen opposite seemed to think that such a sum would be sufficient to influence their political conduct; he confessed that he could not join in such extravagant notions of the corruption of human nature. The amount of fees, and the many other expenses consequent upon the translation of a bishop, would leave so small a pecuniary inducement to obtain a translation, as to render it extremely improbable that any would sacrifice a political opinion for the sake of obtaining it. He felt opposed to any provision that should positively forbid translations, because he could imagine many cases likely to rise in which it might be convenient for the Church, and highly beneficial to the Church, that translations should take place. He approved of the arrangement proposed to be made by the Bill, from a full and firm belief that so far from the emoluments being disproportioned to the actual expenses of the bishoprics, if the bishops acted as they ought to do—if they attended to the claims of benevolence and charity which were continually made upon them, and which he believed most of them did—he considered, that the incomes of the Bishops instead of leaving them rich men, would not be more than sufficient to provide for the actual wants of their situation. Upon the whole, therefore he still thought the Bill might be very beneficially adopted, and that no delay ought to be opposed to its progress in the present session.

Mr. *Mark Phillips* expressed his determination to support the amendment proposed by the hon. Member for Middlesex. The Bill, as it at present stood, would confer no practical benefit upon his constituents, and looking at the importance of the Report in general, he thought it would be better to wait until another Session of Parliament for a larger and more beneficial measure.

Mr. *A. Trevor* did not consider this the fit or proper time to legislate upon a matter of so much importance, involving so many complicated interests, and operating so strongly upon the existing Establishment of the Church. Therefore, however unusual it might be with him, or however reluctant he might feel on ordinary occasions, to vote with the hon. Member for Middlesex, in not one of whose sentiments upon Church matters could he for a moment participate, he should certainly in this instance, if the motion were pressed, feel himself bound to support the proposition for delay.

Mr. *Fowell Buxton's* objection to the Bill was, that it made no provision for increasing the incomes of the smaller clergy, whilst it continued the payment of enormous salaries to the great Dignitaries of the Church.

Lord *John Russell* would not again go over the principles of the Bill, which had already been fully stated; but there were one or two points which had arisen in the course of the discussion upon which he thought some little explanation was required. First, with respect to the time at which the measure was brought forward. Those hon. Gentlemen who had expressed a determination to support the amendment moved by the hon. Member for Middlesex, argued as if the House had been taken by surprise upon the subject. But he begged the House to recollect, that during the administration of the right hon. Baronet (Sir Robert Peel) a Report was presented to Parliament, and circulated throughout the country, containing the outline of the very plan now submitted in the present Bill, stating generally that the incomes of the two Archbisops and of the Bishops of Durham, Ely, and London, should be larger than the rest, and that the average income of the rest should range from 4,000*l.* to 5,000*l.* a-year. That being the case, he really must say, that after the lapse of fifteen months, in the course of which no opposition was made either by the clergy or by the friends of the Church, to the proposed plan; it was now rather too much to say, that there could be any surprise at a Bill being brought in to carry the Report into execution. In the same way with respect to the alterations proposed in the case of deans and chapters of cathedrals, the outline of the plan proposed to be pursued with regard to them was agreed to in a Report made by the Commissioners, and presented to the House on the 10th of March. That Report was immediately circulated amongst all the Members of the House, and published in the different newspapers upon the termination of the month. Upon that point, then, it was equally incorrect to say, that the House could in any way have been taken by surprise. Certainly some delay had taken place in submitting the Bill to the consideration of the House, which was done on the 20th of May, but there had been ample time for its consideration, and he was sure, that no one could say that he was not fully aware of what this Bill was intended to effect, or of the general outline of the plan for the Commissioners. The hon. Gentleman, the Member for Middlesex, (Mr. Hume) stated as a reason for not going on with this plan, that the question respecting church rates should be first settled. Now, he begged the House to recollect, that when the measure respecting Church rates was proposed—a measure which was not, as the hon. Member said, rejected, but, on the contrary, was carried by a large majority—at that time the minority stated as their ground of opposition to the plan, that they were not fully aware of the extent of Church property, and that they thought that there should be no Bill passed with respect to Church rates till they had fully considered the extent of Church property, and see whether there would be any available surplus. This plan proposed to deal with that property, and to apply it to certain Church purposes; and the hon. Member for Middlesex turned round and said, that he would not consider it, that he would postpone its consideration, because he wished to have a Bill respecting Church rates first. There seemed to be a good deal of inconsistency in the hon. Member's argument. He must take one or the other first. [Mr. *Hume:* Take both together.] Both together? That would be impossible. This Bill proposed to deal in the way which the Church Commissioners and the Government thought best with the whole property of the Church. It was also taken into consideration whether there was an extravagant amount of income appropriated to the Cathedrals or the spiritual wants of the Church, and whether if there were a surplus it should be otherwise applied? If the House decided that there was no such extravagant amount, undoubtedly they would introduce an amendment into the Bill. But the question before the House now was, the manner in which this Bill dealt with episcopal revenues and dioceses, and dealt with them chiefly, if not wholly, upon the subject of which the Report had been long before the country. It was, he must say, an extravagant hyperbole of the hon. Member for Middlesex, to say that this was a Bill to promote the translation of bishops. The hon. Gentleman, at the very time he made such an assertion, must be very well aware that, under the existing system, the incomes of some of the bishoprics were very large, whilst the incomes of others were comparatively small. Here, then, if at all, existed the desire to obtain or to give translations; but by the Bill now under consideration of the House, the incomes of the great majority of bishoprics would be very nearly equalised, and the desire to obtain or to give translations consequently, removed. Under the provisions of the Bill now proposed, he felt quite satisfied that the great object of every Bishop would be to establish himself permanently in his diocese, instead of looking for a removal, which would add only a few hundred pounds per annum to his income. Most of the high dignitaries of the Church were men far advanced in life before they were raised to the episcopal bench. Was it likely that men of this character, between sixty and seventy years of age, would be induced to go to the House of Lords to barter their votes, night after night, in favour of questions which they did not approve of, and all this for the sake of being removed from the west to the north of England, and gaining by the removal about 500*l.* a-year? Why, the other day, with respect to bishoprics in Ireland, in one of the bishoprics that had been suppressed there was a vacancy; in point of income, the vacant bishopric was worth 1000*l.* a-year more than that of Cork; but the Bishop of Cork at once refused it; yet, in this instance, the amount was larger than it would probably be in most of the cases under this Bill. The effect of this Bill would be to render translations, if not impossible, very unusual, and he hoped it would receive the support of the House.

Mr. *Warburton* could not help thinking that this Bill was at variance with the principles laid down on former occasions, not only by the right hon. Baronet (Sir R. Peel), but by the hon. Gentlemen who sat on that (the Ministerial) side of the House. When matters of charity and of education had been under the consideration of the Legislature, the principle laid down invariably was, that Parliament should not provide all the money necessary, but that it should vote a sum in aid, leaving to the friends of the charity, or the promoters of the education in question, to supply all that might be further required to carry the object into full effect. He wished to know why a similar system should not be pursued with respect to the Established Church.

The House divided on the original question: Ayes 90; Noes 43—Majority 47.

List of the AYES.

Adam, Sir C.
Anson, hon. Colonel
Arbuthnott, hon. H.
Astley, Sir J.
Baldwin, Dr.
Barclay, C.
Barnard, E. G.
Bernal, R.
Blake, M. J.
Bonham, R. Francis
Bramston, T. W.
Bridgeman, H.
Brodie, W. B.
Childers, J. W.
Clements, Visc.
Clive, E. B.
D'Eyncourt, C. T.
Donkin, Sir R.
East, J. B.
Ebrington, Viscount
Elley, Sir J.
Estcourt, T.
Euston, Earl of
Ferguson, Sir R. A.
Fergusson, R. C.
Forbes, Wm.
Forster, C. S.
Fremantle, Sir T.
French, F.
Gaskell, J. Milnes
Gordon, hon. W.
Goulburn, rt. hn. H.
Graham, Sir J.
Grey, Sir G.
Hawkins, J. H.
Hogg, J. W.
Hoy, J. B.
Hughes, W. H.
Jervis, J.
Jones, T.
Knatchbull, Sir E.
Knox, hon. J. J.

Labouchere, H.
Lawson, A.
Lefevre, C. S.
Lefroy, right hon. T.
Lennox, Lord G.
Lennox, Lord A.
Lowther, hon. Col.
Lowther, Lord
Lygon, hon. Colonel
Mackenzie, S.
Maher, J.
Maule, hon. F.
Maunsell, T. P.
Moreton, hon. A. H.
Morpeth, Lord
Neeld, J.
North, F.
O'Loghlen, M.
Parker, M.
Parker, J.
Pechell, Captain
Peel, Sir R.
Pendarves, E. W. W.
Philips, G. R.
Plumptre, J. P.
Plunkett, hon. R. E.
Poulter, J. S.
Pryme, G.
Pusey, P.
Rice, rt. hon. T. S.
Robinson, G. R.
Ross, Charles
Rushbrooke, Col.
Russell, Lord J.
Sheppard, T.
Sibthorp, Colonel
Smith, B.
Strickland, Sir G.
Tancred, H. W.
Thomas, Colonel
Tynte, C. J. K.
Vere, Sir C. B.
Walter, J.
Wilson, H.
Wood, M.
Wyndham, W.
Yorke, E. T.
Young, G. F.

TELLERS.
Stanley, E. J.
Stuart, R.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Baines, E.
Barclay, D.
Bewes, T.
Biddulph, R.
Bowring, Dr.
Brocklehurst, J.
Buckingham, J. S.
Buxton, T. F.
Chalmers, P.
Chapman, L.
Chichester, J. P. B.
Conyngham, Lord A.
Duncombe, T.
Fielden, J.
Hall, B.
Harland, W. C.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Humphery, J.
Hutt, W.
Lennard, T. B.
Lushington, C.
Parrott, J.
Parry, Sir L. P. J.
Philips, M.
Potter, R.
Rippon, C.
Ruthven, E.
Scholefield, J.
Strutt, E.
Thompson, Colonel
Thornely, T.
Trevor, hon. A.
Tulk, C. A.
Villiers, C. P
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Williams, W.

TELLERS.
Hume, J.
Buller, C.

Amendments read a second time.

Mr. *Arthur Trevor* said, that he considered he was doing nothing more than discharging an act of duty to the diocese with which he was more immediately connected, by moving the insertion of a clause for fixing the amount of the income of the present bishop, and all future bishops of the diocese of Durham, at a sum not less than 10,000*l.* per annum. In the situation he had the honour to hold, he felt this was a duty he was bound to discharge, and, whatever might be the result, he should never regret the course he had taken. The hon. Member then moved that a proviso, to the effect stated, be added at the end of the 10th Clause.

Clause read a first time. On the question that it be read a second time,

Lord *John Russell*, said he would not oppose the clause being brought up, and read a first time, but he should certainly oppose the second reading of it.

The House divided: Ayes 0; Noes 133—Majority 133.

[The Teller, with Mr. Trevor, was Mr. Maunsell. It does not appear necessary to give the Noes, as they were composed both of the ayes and the noes of the lists immediately preceding.]

Mr. *Charles Buller* rose to move a clause, providing, "That until provision has been made for the adequate payment of the parochial clergy, and for the supply of religious instruction to those parts of the country stated in the Reports of the Commissioners to be destitute thereof, the Archbishop of Canterbury shall receive 8,000*l.*, the Archbishop of York 7,000*l.*, the Bishop of London 4,500*l.*, and the other Bishops 4,000*l.* per annum." He considered that in doing this he was acting in conformity with the recommendation contained in the Report of the Commissioners; and he repeated the opinion he had before expressed with regard to this Bill, that it was a most incomplete measure of Church Reform. The hon. and learned Gentleman then proceeded to remark on the low rate of remuneration of the working clergy. He said, it appeared from the Report on the table of the House, that the resident clergy employed by the resident incumbents numbered 1,006, and their stipends on the average were 86*l.* a-year. The non-residents numbered 4,224; and their stipends averaged 79*l.* a-year. Thus the total number being 5,230, the average stipends were 81*l.* a-year. If it were a question between the bishops and the working clergy, he should say, they ought to look to the working clergy first. The Government, however, had followed the contrary plan; their first consideration appeared to have been to provide large salaries for the bishops. What had the Government done? A Bill had been brought in, in which a great deal was said about deans and chapters, and no doubt it would excite the admiring gaze of the public, when they came to examine its details. The bishops being politicians, had been objected to, and it was said that he wished to make them independent of the Government; but in the purposed arrangement, all kinds of temptations were held out to them. The incomes began at about 4,000*l.* a year; then there were several at 5,000*l.*; the next step was 7,000*l.*; up to the see of Durham it was 8,000; 10,000*l.* was to be the income of the Bishop of London, and the Archbishop of York; and 15,000*l.* was the amount proposed for the Archbishop of Canterbury. His first proposal was to equalise the incomes of all the bishops, making an exception in favour of the Bishop of London, on the ground that he was a fixed resident in a most expensive place; he thought it was necessary on this account to give to the Bishop of London a little more than to the others. He not only proposed to equalise the incomes of the bishops, but also to reduce them. As his guide in fixing the incomes, he had taken the scale of payment of the very highest paid profession in the country, and that was the profession of the law. He put aside the income of the Lord Chancellor, however, not considering that a permanent income; but with that exception, he had taken the highest rate of pay for service to the public that could be got. He could not imagine any reasonable objection to his plan, unless it were said to be unjust to pay the clergy and the bishops at the same rate as members of the law were paid, there being this difference between the professions, that the one depended for success on the possession and exertion of individual talent, and having surmounted their early difficulties, and reached the top of their profession, they secured to themselves almost a monopoly of the business, and derived large sums from it. Such was not the case with the clergy. Of course, when it was wished to take a judge from the list of those barristers who were deriving large sums from their profession, it was necessary to offer them considerable incomes to induce them to accept a seat on the bench. If it were desired to possess the talents of Sir A. Cooper and Sir B. Brodie, their income must be fixed, with reference to the incomes they were now making in their profession. In the army and navy, in the church, and in public offices, there was constant employment and constant pay. In his opinion, the fair scale of remuneration for the clergy would be that of the army and navy; indeed, at present, the working clergy had nearly the same sums as the subalterns of the army were paid; it was in the higher stations that the great difference existed. Officers in the army and navy were very happy if they obtained 300*l.* or 400*l.* a year. He proposed to give to the bishops much higher incomes than that. And, by the way, he would here remark, that he did not see why the high sense of an honourable occupation should not animate the clergy, as governed those devoted to the other professions, in place of the ordinary desire of accumulating wealth. An officer in the army was proud of wearing the King's uniform, and was encouraged by that distinction to brave the dangers of the field. The bishop, on the other hand, fought under the banner of the cross; he was engaged in the constant struggle against the enemy of men's souls to save souls. Were his motives to be supposed to be of so low a nature that they must treat him as they would hired mercenaries, and crown him for the fight, or tempt him by the prospect of plunder. As he had said before, he proposed to fix the scale of the incomes of the bishops and the archbishops according to the highest scale of remuneration in the legal profession, except the income of the Lord Chancellor. To the Archbishop of Canterbury he would give the same income as was received by the Lord Chief Justice of England. The Archbishop of Canterbury had no duties to perform which required travelling, whereas the Chief Justice of England went the expensive circuits every year. The income of the Archbishop of York he would reduce to the miserable pittance of 7,000*l.* a year. He took for his guide here the income derived by the Lord Chief Justice of the Court of Common Pleas. He supposed he should not be charged with a desire to reduce the bishops to beggary. The office of the Master of the Rolls, every one knew, was the best office in the gift of the Crown. The Minister was thought lucky who had it to bestow, and the person was thought lucky who succeeded in obtaining it. The income was 7,000*l.* a year. The great advantage of the situation was its permanency, and the office of the Archbishop was equally permanent. Then the labours of the Master of the Rolls were known to be severe, and no one would pretend that the duties of the Archbishop were laborious to anything like an equal extent. To the Bishop of London he would give 4,500*l.* a year, which was the sum allowed to the common-law lords. It might be said that the bishop had to maintain a peerage, but he hoped we had not yet come to this, that it was to be considered no advantage to have the honour of a peerage without a very large income to support it. The judge, he must observe, had to pay out of his income the expenses of his circuits each year. To the remainder of the bishops he would give 4,000*l.* a year each. Such was his proposition, and he should be sorry if it were considered a very heinous and malicious attack on the Church. He did not profess any great attachment to the Church Establishment; but those who knew the position in which he was placed, with regard to his constituency, would do him the justice to say, that he had had many hard battles to fight in that part of the world, owing to his having declared himself in favour of an Established Church. If, however, he were called on to say whether he would prefer the Church Establishment as it was, or none at all, he should say none at all; and such he believed to be the feeling of the country on the subject. In his opinion, popularity was essential to the Church, to enable it to exercise a beneficial influence, and that, in its present state, it was not popular. The hon. Member concluded by making the motion announced at the commencement of his speech.

Clause read a first time.

On the motion, that it be read a second time,

Lord *John Russell* said it was impossible that he could agree to the motion of the hon. and learned Gentleman. In his opinion the comparison which had been made by the hon. and learned Gentleman was quite inapplicable. Between the situation of the bishops, and that of the members of any of the professions referred to by the hon. and learned Gentleman, there was a vast difference. The bishop had to maintain a large establishment, to observe hospitality, to contribute to the work of charity, and to preserve his position amongst those who possessed large landed property, while persons engaged in other professions were not liable to such serious charges on their incomes. He thought, that to reduce the means of the bishops and archbishops in the way proposed, would exceedingly impair the efficiency of the Church.

Mr. *Arthur Trevor* feared, from the temper of the House, that the hon. and learned Mover would have a larger minority in favour of his present motion, than he had the good fortune to muster on the late division. He wished that all had the candour of the hon. Mover, who, doubtless, would vote with him, and confess, with him, they were no friends to the Church Establishment. He must repel with ineffable contempt, all insinuations made on such a question, that the higher order of clergy of the Established Church were actuated by avarice, and displayed unworthy symptoms of servility in their court to a Minister or Sovereign, in hopes of securing preferment in the Church.

Sir *Love Parry* stated, that the Bishop of Bangor, in Wales, received at present but 3,800*l.* a year, and yet he did not complain, although he contributed largely to the assistance of a very ill-paid parochial clergy. Now, under these circumstances, he felt called upon to support the motion of the hon. and learned Member for Liskeard, because he could never consent to have the tithes taken from the poor people of Wales, to support an unnecessarily gorgeous Church Establishment, or to create a bishopric for the service of the good people of Manchester, who professed aloud they did not wish to be troubled with a bishop.

Mr. *Villiers* said, there was so much justice in the remarks of the hon. and learned Member for Liskeard, that the motion which he had just made should have his decided support. He agreed with him, that the vice of the Report naturally arose out of the constitution of the Commission appointed to inquire into the Church Establishment. It was altogether hypocritical to allege that the measure of his Majesty's Ministers was at all a measure of effective Church reform.

The House divided: Ayes 44; Noes 82—Majority 38.

List of the AYES.

Aglionby, H. A.
Astley, Sir J.
Attwood, T.
Baines, E.
Bewes, T.
Bish, T.
Blake, M. J.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Buxton, T. F.
Chalmers, P.
Chapman, L.
Chichester, J. P. B.
Conyngham, Lord A.
Duncombe, T.
Hall, B.
Hawes, B.
Hawkins, J. H.
Heathcoat J.
Hector, C. J.
Hume, J.
Humphery, J.
Hutt, W.
Lennard, T. B.

Lushington, C.
Parrott, J.
Parry, Sir L. P. J.
Philips, M.
Potter, R.
Pryme, G.
Robinson, G. R.
Ruthven, E.
Seale, Colonel
Strutt, E.
Tancred, H. W.
Thompson, Colonel
Thornely, T.
Wakley, T.
Wallace, R.
Wood, Mr. Alderman

TELLERS.
Buller, C.
Villiers, C. P.

List of the NOES.

Adam, Sir C.
Angerstein, J.
Anson, hon. Colonel
Arbuthnott, hon. H.
Barclay, D.
Barclay, C.
Bellew, R. M.
Bonham, R. F.
Bramston, T. W.
Brodie, W. B.
Campbell, Sir J.
Chandos, Marquess of
Clive, E. B.
D'Eyncourt, C. T.
Donkin, Sir R.
Egerton, W. T.
Elley, Sir J.
Estcourt, T.
Euston, Earl of
Ferguson, Sir R. A.
Fergusson, R. C.
Forbes, W.
Forster, C. S.
Freshfield, James W.
Gordon, hon. W.
Goulburn, rt. hon. H.
Graham, Sir J.
Grey, Sir G.
Hamilton, G. A.
Harland, W. C.
Hay, Sir A. L.
Hobhouse, Sir J.
Hogg, J. W.
Howick, Lord Visc.
Hughes, W. H.
Jervis, J.
Jones, T.
Knatchbull, Sir E.
Knox, hon. J. J.
Lawson, Andrew
Lees, J. F.
Lefroy, Anthony
Lennox, Lord G.
Lennox, Lord A.
Lowther, hon. Col.
Mathew, G. B.
Maule, hon. F.
Maunsell, T. P.
Morpeth, Lord Visc.
Murray, J. A.
Neeld, J.
Nicholl, Dr.
O'Loghlen, M.
Parker, M.
Peel, right hon. Sir R.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Philips, G. R.
Pinney, W.
Plumptre, J. P.
Plunkett, hon. R. E.
Praed, W. M.
Pringle, A.
Pusey, P.
Rice, right hon. T. S.
Rolfe, Sir R. M.
Ross, C.
Rushbrooke, Colonel
Russell, Lord J.
Sheppard, T.
Steuart, R.
Thomas, Colonel
Townley, R. G.
Trevor, hon. A.
Tynte, C. J. K.
Vere, Sir C. B.
Wilson, H.
Wyndham, W.
Yorke, E.
Young, G. F.

TELLERS.
Stanley, E. J.
Mackenzie, S.

The Report was agreed to.

GRAND JURIES (IRELAND.)] The House went into Committee on the Grand Juries (Ireland) Bill.

The Clauses to 78 were agreed to.

On Clause 79 being proposed, which provides for the salary of surgeons of county infirmaries in Ireland,

Mr. *Smith O'Brien* complained of the monopoly of the College of Surgeons in Ireland, and hoped some means would be speedily adopted to abolish it.

The *Chancellor of the Exchequer* did not undervalue the proposition of the hon. Member for Limerick. The monopoly was not defensible, and indeed it was perpetually violated in practice.

Mr. *Macley* said, if the Irish Members would bring forward a proposition for a reciprocity of action between the medical institutions of the two countries, should have his support.

Mr. *Smith O'Brien* moved, that that part of the clause be omitted. He did so on behalf of Irish surgeons who studied in Edinburgh and elsewhere, and who would be precluded by the clause from acting as surgeons to dispensaries, inasmuch as they wanted the testimonial of the Irish college.

Colonel *Perceval* said, that nothing would be done to prejudice the interests of the Irish College of Surgeons. He had no wish that it should possess any exclusive privileges, but they should first ascertain whether any exclusion was practised towards Irish surgeons by subscribers to infirmaries in England.

The *Chancellor of the Exchequer* said, that in dealing with an Irish Bill in Committee, it was impossible to go into the discussion of the whole question, and inquire what was the practice in England. He was prepared to support the amendment of his hon. Friend, the Member for Limerick, because he considered monopolies were indefensible on principle.

Mr. *Wakley* said, that with respect to the Edinburgh examinations, they were much more rigid than those of London or Dublin. There was more exclusion in Ireland than in England; for in the latter country Irish surgeons were permitted to practise in English hospitals, whilst the medical officers of the army and navy were precluded from practice, and were met with a negative, which had the injurious effect of limiting the choice to men who received their medical education in the Irish college.

Amendment withdrawn. Clause agreed to.

On Clause 82, which requires the grand jury to present for the repayment of sums advanced by the Lord-Lieutenant to defray the expenses incurred by boards of health, being proposed,

Mr. *Callaghan* said, that this was a clause to which his constituents had a decided objection. It was an *ex post facto* law. It had a retrospective tendency, and was, in his opinion, unjust both in principle and effect. The object of the clause was evidently intended to compel grand juries in Ireland to present for sums of money whether they were inclined or not. Certain sums of money had been advanced by Government during the prevalence of cholera. This money was expended for the purpose of putting a stop, not to a local but a national scourge. The people did not consider themselves accountable for the repayment; but the promoters of the bill wanted to take these monies from the people through the grand juries. Certain sums had been advanced to Limerick, to Cork, and other places, these sums the Government had claimed at the hands of the grand jury, and which, under the direction of the judges, the grand jury has invariably refused to present. The city of Cork had 10,000*l.* so advanced. When the cholera broke out there the inhabitants applied to Government for advice and assistance. They were told to establish a board of health, and then to call on the Lord-Lieutenant for an advance of money. They did so, and in addition to the grant of 10,000*l.*, they had expended several thousand pounds raised by voluntary subscription. They thought it was a very great hardship to be called on to pay this money now. They thought that as they had exerted themselves both in person and purse to put a stop to the ravages of the disease, that the expense should be borne by the country at large, and not by a community which had already subscribed to the extent of their means. The clause would press with peculiar hardship on those who had only lately come into the possession of houses and lands, inasmuch as those who occupied them during the prevalence of the cholera would be totally exempted, whilst the present possessors would be obliged to pay. On these grounds he opposed it, and would move, by way of amendment, that the word hereafter be inserted.

The *Chancellor of the Exchequer* never heard so singular a definition of a clause as that given by his hon. Friend. When these sums were granted, the people knew that they were to repay them, and therefore he could not see the injustice of asking them to discharge a debt they were morally and legally subject to. His hon. Friend said, the money should be paid by the public at large. This was a doctrine he could not assent to. When disease broke out in Ireland, and when money was required to allay it, how could he call on English Members for advances of public money, when the people for whose benefit it was expended afterwards refused to refund it.

Mr. *O'Brien* said, that in every town affected by the cholera the clause had excited much surprise. It would be exceedingly harsh as regarded the occupiers of small tenements. He supported the amendment of his hon. Friend.

Dr. *Baldwin* was instructed by his constituents to oppose the clause. He could not deny that the money had been advanced, nor could he say that it was not fairly due; but he would request the Government to consider the circumstances of the case; and if they did not remit the whole sum, he hoped they would make the repayment of it as light as possible.

The *Chancellor of the Exchequer* could have no sort of difficulty in agreeing to the suggestion of the hon. Gentleman who spoke last; the government would certainly render the repayment as little oppressive as possible.

Mr. *Wakley* said, the people of England were exceedingly anxious for the introduction of poor-laws into Ireland, but he thought, if advances of public money were to be made from the consolidated fund every time contagion broke out in Ireland, they would soon demand the enactment of a poor-law in that country.

Colonel *Perceval* said, Sligo had suffered more than any other town in Ireland by the fearful visitation of cholera. The Government advances amounted to upwards of 13,000*l.*—more than 2,000 of the inhabitants had been carried off in six weeks, and he thought it would be cruel to exact that sum from the survivors. He suggested that the words "they are hereby required" be struck out.

Mr. *O'Loghlen* observed, that when advances were made from the consolidated fund, the grand jury was bound to provide for the repayment. The clause was not retrospective. It only recognised a right which the Crown possessed, at present, to enforce the payment of money so advanced. The grand jury was bound to present the sums, and in the event of their refusing, the judge had the power of inflicting a penalty on them for neglect of duty. It might, however, be wise for the Government to extend the time for repayment. He would suggest that a proviso be added to the clause, to the effect that the payments should be made by instalments as the grand jury should deem fit.

Mr. *Fitzstephen French* would not enter into a discussion on the circumstances which had occurred at the assizes of the county which he had the honour to represent. It would be his duty at a late period of the evening to bring the whole matter under the consideration of the House. He considered the amendment, and the assurance given on the other side, would meet with the approbation of the different Gentlemen who had spoken of the peculiar hardship on their constituencies. He had chiefly risen for the purpose of condemning, in the strongest manner, the monstrous and unconstitutional doctrine attempted to be put forward by the right hon. the Attorney-General—a doctrine which the right hon. Gentleman was much mistaken if he imagined would ever receive the sanction of that House or of the British public—that judges were authorised to inflict fines on grand jurors for refusing to violate their oaths. Did the learned Gentleman, when he so flippantly laid down the law, know what was the oath of a grand juror? Was he aware that he was sworn not to present any thing which ought not to be presented? He would recommend him for the future to be more careful how he let such opinions fall from him. It was not the first time he had heard him avow them. Let him not for a moment imagine that he would be able to establish a system in Ireland which had cost Lord Strafford his head. He denied the right of the judge to inflict a fine. He denied he had the power, and notwithstanding the high opinion he had of the judge's office, and of their legal knowledge and constitutional conduct, he trusted the day would never come when such a power would be vested in them.

Mr. *Callaghan* trusted the House would not imagine that he had unnecessarily given rise to this discussion. The proviso was a great improvement, and he thought it would be satisfactory. He denied, however, that the grants in question were made on the faith of a grand jury presentment, as stated by the Chancellor of the Exchequer. The money was advanced under a special Act of Parliament for preventing the spread of contagion, and the question was an open one—whether the money should be repaid or not? The Act stated, that the grand jury may present, but it did not render it imperative on them to do so.

Clause agreed to.

On Clause 97 which provides compensation for person maimed, and to representatives of persons murdered,

Mr. *Fitzstephen French* said, that the clause appeared to him as an attempt to establish the ancient Irish erick—a sum of money to be levied off the county, to the estimated value of the person murdered. The right hon. Gentleman, when he framed the clause, had, probably, in his mind the request made by Maguire to the Lord Deputy, on his threatening to send a sheriff to Fermanagh—that before he set out his erick might be settled in case his head was taken off.

The *Attorney-General* observed that the clause was simple a re-enactment of the old law. Clause was agreed to.

On Clause 118, which reserves to Grand Juries power to present for advances for public works,

Mr. *Fitzstephen French* would state to the House the reason which induced him to oppose it. He intended to move an amendment, the effect of which would be to prevent claim for debts alleged to be due, from being advanced against counties in Ireland, in cases where they had remained undemanded for ten years. He confidently anticipated that the injustice he was anxious to prevent, entitled him to the support of the House. At the Assizes lately held in the county Roscommon, the Crown Solicitor, amongst other claims, advanced one for a presentment to re-pay the sum of 6,750*l.*, alleged to have been advanced to certain persons for public works in that county. The Grand Jury rejected the presentment, on the ground of its not being a debt due by the county, but by particular individuals. The Grand Jury said, that had the claim been made in any reasonable time, when it might have been possible for them to know to whom the money had been advanced, and by whom it ought to be paid, they would willingly have passed a presentment to have it levied off these persons. The landed property of the county had changed hands very much since 1821, when the money was advanced, and to saddle a townland with such an enormous amount of debt, would not only be unjust, but compel individuals to discharge claims or debts contracted by other people, years before they came into possession. The Return was, in many instances, incorrect. One townland was returned amongst the defaulters, in which the cess could be proved to have been paid. An application had been made to the going Judge of Assize, who stated, that he considered the Act imperative on the Grand Jury to present, but that it seemed to him a case of great difficulty and hardship. He could see no cause for the Government allowing such a period to elapse without advancing the claim. He felt the hardship of the case, but he feared it could not be remedied. In this case the Grand Jury refused to present, and after several days' consideration, and after consulting his brother Judge, his Lordship did not feel it necessary to interfere further in the matter. The Chancellor of the Exchequer might ask, was it fair to saddle the people of England and Ireland with the debts due by the county of Roscommon. He denied the debt was due by the county of Roscommon. Had the Grand Jury been convinced that such was the fact, it would have been discharged without a moment's hesitation. The hon. Gentleman concluded by moving, "That in all cases where money alleged to have been advanced by the Government shall have remained ten years unclaimed or undemanded, that it should not be imperative on the Grand Jury to present."

The *Chancellor of the Exchequer* opposed the amendment. He was willing to agree to any proposition that would save the public money, but he could not support nor consent to the views of his hon. Friend.

Amendment withdrawn.

Clauses up to 138 were agreed to.

House resumed.

HOUSE OF LORDS,

Friday, July 15, 1836.

MINUTES.] Bills. Read a third time:—Prisoners' Counsel; Judges' Chambers; Fisheries' Company (Ireland).—Read a second time:—Arms' (Ireland).

Petitions presented. By several NOBLE LORDS, from various Places, against all attempts to interfere with the Privileges of the House of Lords.—By the Earl of HADDINGTON, from Haddington, against Universities' (Scotland) Bill.

SOUTH DURHAM RAILWAY.] The Earl of *Radnor* presented a Petition from one of the Directors of the South Durham Railway Company, complaining of the rejection of that Bill by their Lordships. He thought that the petitioner, and the other parties concerned, had much reason to complain of this Bill having been rejected without inquiry.

Lord *Wharncliffe* observed, that what he had stated was, that this railroad would confer no public benefit, while it would injure the interests of individuals, through whose property it was to be forced against their consent; whereas, in every other case of collieries, the owners of these collieries were obliged to obtain the leave of the proprietors through whose land the railroad was to pass, and were even then obliged to pay a considerable sum for such permission. The principle he contended for was, that those who chose to speculate should be compelled to pursue that course—a course which had hitherto been always adopted. Whether the Bill originated in that or the other House of Parliament, he thought it most unjust that by it persons should be permitted to speculate with great and unfair advantages over those already engaged in the same trade. He had also voted against the Bill upon the ground that it would be of no public benefit, inasmuch as it did not establish a communication between two populous parts of the country.

The Marquess of *Clanricarde* was opposed to making any general rule for rejecting every Railroad Bill, unless the railroad were to pass from one populous town to another. He would venture to say, that most of the railroads first established in this country were from various quarries, for conveying minerals. He did not think it fair to say, that this Bill would confer no public advantage, for if the speculators in it could work a good coal-field, and bring coals into the market at a reduced price, surely that would be an advantage to the metropolis and public generally. What he objected to was, that the opinion and decision of a Committee had not been taken upon it. The case that went before the public was this—two noble Lords, personally interested by the situation of their property, and, according to public Report, deeply interested in the price of coals, had opposed the Bill on one public ground only—as giving an unfair advantage over those who had to pay a way-leave rent. He really thought it a most unusual course to reject this Bill on the second reading.

Lord *Hatherton* had voted with the majority against this Bill, and if it were again to come before the House he would act similarly, upon the grounds stated by the noble Lord (Wharncliffe.) To the principles laid down by that noble Lord he entirely subscribed. He conceived it to be most unjust to attempt to force, by Act of Parliament, a rail road for the conveyance of coals, not only through the lands of dissentient proprietors, without a way-leave, but through the very works of those proprietors, which he had known to have cost 5,000*l*. or 6,000*l*. With regard to the advantage which the noble Marquess said would accrue from the additional supply of coal, he had reason to believe that the supply was at present so large, that if even every man in the district were to work at prime cost, the quantity would not be consumed. There was, therefore, no necessity for bringing an additional supply into the market.

The Marquess of *Londonderry* observed, that the noble Lord (Radnor) had evinced so much partiality for the Bill, that he began to suspect he must have some shares in the undertaking. After so decisive a majority on the subject, he did not feel it necessary to enter again upon particulars, and he really thought that the discussion should not have been renewed. Though the case might have been particularly strong as regarded himself, it was also strong as affecting all the great landed proprietors in the county.

The Earl of *Radnor* said, that as he had been intrusted with the petition, he had felt it his duty to present it. He denied, however, having any share or interest whatever in the undertaking, but he still thought it unusual for the noble Lords opposite to oppose the Bill on the second reading.

Petition laid on the table.

TIMBER DUTIES.] Viscount *Strangford* presented three petitions, the first from the Legislative Council of Lower Canada, in provincial assembly, relative to the general question of any alteration in the Timber Duties; the second from the Members of the United Colonial Shipping Committee of the city of London, stating the injurious operation which any change in the admeasurement of deals would have on the shipping interest; and the third from the North American Association connected with the port of Liverpool, as to the effect which would also be produced on the colonial exports of the country. As to the first point, he had already, in a former part of the Session, received some information from the noble Lord at the head of the Colonial Department; but with respect to the second, some of the petitioners with whom he had been in communication, were apprehensive lest the matter should be taken out of the hands of Parliament by the effect of some sudden diplomatic arrangement elsewhere, and, therefore, he hoped the noble Lord at the head of the department, would now give him some satisfactory assurance on the subject.

Lord *Glenelg* said, that having already given an answer to the first question on a former occasion, he was happy now to be enabled to relieve the anxiety of those who were interested in the second point alluded to by the noble Viscount (Strangford), by stating, that it was not the intention of Government to propose any alteration with respect to the admeasurement of deals, or the mode of levying the duties, during the present Session. On the other point, he begged to assure the noble Viscount the parties need be under no apprehension whatever.

Vicount *Strangford* was much obliged to the noble Lord for the satisfactory answer he had given; but he ventured to express a hope, that before any alterations were introduced, due notice would be given to the parties interested in the matter.

PRISONERS' COUNSEL.] On the motion of Lord Lyndhurst, the Prisoners' Counsel Bill was read a third time.

On the question that the Bill do pass,

The Earl of Radnor moved, that the second clause be restored, with the view of giving the Prisoner's Counsel the last word.

The House divided—Contents 14; Not-contents 24—Majority 10.

The Duke of *Richmond*, in rising to move the re-insertion of the 4th Clause, (giving to prisoners the right to require copies of depositions taken before a magistrate) said, he would not trouble the House by going over again the arguments which he had upon a former occasion urged in support of that provision of the Bill. It was the opinion of the Attorney and Solicitor-General, Sir William Follett, and many other of the most distinguished lawyers in this country, that prisoners should have the power of inspecting copies of depositions made against them. He (the Duke of Richmond) asked their Lordships to re-insert this clause as an act of justice to the prisoners; for he contended that without it they could not have a fair trial. There would be this injustice done if this clause were not re-inserted in the Bill;—a clever person, one, perhaps, who had been often before in Courts of Justice, would be able to remember what was sworn against him; whereas, the inexperienced—the ignorant—perhaps, the innocent, prisoner, who probably never before was brought before a magistrate, confounded by the danger and disgrace attending his situation, and unaccustomed to the forms of law, would be unable to follow the depositions as they were read, so as to recollect what was necessary, in order to enable him to instruct his counsel or attorney fully and properly. The hardened offender would thus, in fact, gain a great advantage over the innocent prisoner. Nor was this all, the final omission of the 4th Clause from this Bill would do the poor great injustice. A person able to pay an attorney, might employ him to attend and take notes of the depositions as they were read. The poor, on the other hand, would be left to their own unaided recollection, which would probably very little, if at all, assist them. He (the Duke of Richmond) should move, without detaining their Lordships further, that the 4th Clause be reinserted in the Bill.

Lord *Abinger* objected to this clause. It empowered a prisoner to claim copies of depositions from the person in whose care and custody they were. Now, in many cases, the judges held them in their possession; they were returned to the judges by the clerk. Was the judge to be bound, at the prayer of any prisoner, to take copies of any deposition? That was impossible. He had enough to do, as it was, to read them. Was he to employ clerks for the purpose? What provision was made in the Bill for their remuneration? He (Lord Abinger) did not see how this clause was to be carried into effect. Did not the noble Duke know, that as the law now stood, further evidence was often procured after a prisoner was committed. The magistrate was authorised to commit on *prima facie* evidence; and if, after committal, fresh proof should be adduced, who ever heard of the magistrate's clerk being compelled to send to the prisoner copies of any depositions that might be sworn against him in his absence. If the prisoner was allowed to inspect copies of all depositions taken against him, he would be enabled between the time of his committal and trial, in many cases, by the aid of those persons who are always ready, for pecuniary remuneration, to swear to any facts, to concoct a defence which might defeat the ends of justice by contradicting some facts deposed to by the prosecutors. A case of this kind indeed came under his own notice not long ago in the Court of Exchequer. He (Lord Abinger) did not see upon what principle this clause was to be re-inserted. In civil suits defendants were not allowed to inspect copies of all depositions filed against them. He did not see in what way the clause was to be carried into effect when admitted, and he should, therefore, oppose the motion of the noble Duke.

The Duke of *Richmond* was perfectly astonished at what the noble Baron had just said as to depositions being taken after the committal of prisoners. What! evidence taken against a man in his absence! He (the Duke of Richmond) never heard of such a thing! It was contrary to any principle of British law! As to what the noble Baron had said respecting the impropriety of giving this power to prisoners, because they would be thereby enabled to concoct defences which would defeat the ends of justice,—did not the noble Baron know that at the present moment a prisoner's attorney was at liberty to take notes of the depositions, and was perfectly as able to make an unfair use of them as he would be under this clause? The only difference was, that this clause extended to the poor a power and advantage already possessed by those who were able to fee a professional man.

Lord *Wynford;* The object of the Bill professedly was, to do justice to the prisoner. By inserting this clause, however, their Lordships would, in his opinion, be doing more than justice required. They would be placing prisoners in a better situation than defendants in civil suits, and they would be enabling prisoners, as suggested by his noble and learned Friend (Lord Abinger), to get up defences which would defeat the ends of justice, and to gain acquittals to which they were not entitled, by the assistance of those low and disreputable attornies who were always ready to enter into such disgraceful proceedings. He should therefore vote against the re-insertion of this clause.

The Earl of *Radnor* should support the clause. The argument of the noble and learned Lord opposite (Wynford) was inconsistent with his former argument in Committee upon this clause. He then contended it was unnecessary, for that at present the prisoner always heard the depositions read to him before he was committed. Now his argument would go to the extent of preventing the prisoner from having any knowledge of what was sworn against him;

because to those who were able to employ an attorney to take notes, or to do so themselves, the same facilities were afforded for fraudulent defences which had been alluded to by two noble and learned Lords opposite, as would be afforded by this clause.

Lord *Holland.* My Lords, if the law upon this point at present be as the noble Baron opposite has stated it to be, it is clear it ought not to be so any longer; it is quite contrary to the whole spirit of the British constitution, contrary to the genius of the English law,—contrary to the first principles of justice! My Lords, I must say, that through the whole of this discussion one great object to be considered in the administration of justice has been lost sight of. It is true, that one very important object is to arrive at truth. But there is another, little if at all inferior in importance: it is, that truth should be arrived at in a manner satisfactory to the public. And if in one case the truth be sought after in one mode, and in another case it be sought after in a different mode, be assured, my Lords, that the best mode, notwithstanding that the same result may be arrived at in both cases, is that which is most satisfactory to the public. These remarks, my Lords, though not perhaps immediately, are generally applicable to the particular clause before you. With respect to this clause there seems to be no real objection to it. There are, it is true, many objections started to it; but they are inconsistent, and destroy each other. One is, that it is unnecessary: another that it will be injurious; that it will give a prisoner more than he is justified in demanding. The objections, my Lords, are clearly incompatible with each other, and both coming from the same person, they are singularly inconsistent. Now applying the principle I have just laid down, that the truth will be arrived at by the best possible means when arrived at in the manner most satisfactory to the public, I am for re-inserting this clause, and thus assuring the public, that the prisoner, having had a full knowledge of the charges brought against him, the verdict, when given, was arrived at upon the best possible grounds, after the best possible consideration.

The *Lord Chancellor* said, he quite agreed in the propriety of introducing some clause to obtain the object of the noble Duke; but as he did not consider this clause the best calculated to effect that object, he suggested that the passing of this Bill should be postponed, to give time for considering the subject fully, and framing some provision which might be free from objection. He must say the intimation which the noble and learned Lord (Abinger) had given as to the practice of magistrates, of taking evidence against a prisoner after his committal, had astonished him exceedingly. He could tell the noble and learned Lord, that if his account were true, those magistrates, who had acted as he had stated, had transgressed the line of their duty. It was no part of the duty of a magistrate to assist in getting up a prosecution. His duty was merely, upon *primâ facie* evidence to secure a prisoner's person against the day of trial. The question for the magistrate to decide, is only whether he is justified, on the evidence brought before him, in committing the prisoner. That question once decided his jurisdiction ceases. He could conceive nothing more injurious to the right administration of justice, than the practice alluded to by the noble and learned Lord. If it really existed, it was high time that it was put an end to; and it formed an additional reason for enacting some such provision as the clause now proposed to be re-inserted.

The Earl of Shaftesbury having suggested that the proper proceeding would be to adjourn the debate,

The Duke of *Richmond*, in moving, that the debate be adjourned, expressed his opinion that the practice which had been alluded to of taking depositions against a prisoner in his absence was more fitted for the meridian of Spain than to that of this free country.

Debate adjourned.

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HOUSE OF COMMONS,

Friday, July 15, 1836.

MINUTES.] Read a third time:—Admiralty Jurisdiction (Prince of Wales's Island) Bill; Insolvent Debtors' (India); Sale of Bread.—Read a second time:—Postage Duties.—Read a first time:—Post Office Commissioners; Customs.

Petitions presented. By Mr. MORE O'FERRALL, from Castledermot, Moone, and Levetstown, for Abolition of Tithes (Ireland).

The House of Commons met at twelve o'clock.

CLAIMANTS FOR THE TROUTBECK ESTATE.] Mr. *Warburton* rose for the purpose of bringing forward the petition, which he had given notice of presenting, and for the discussion of which an early sitting of the House had been determined upon. It was unnecessary for him to enter at great length into the facts detailed in the petition, as it was already printed and in the hands of hon. Members. He must observe, however, that the petition was one of vast importance to the parties, who were in humble and indigent circumstances, and who had, on this occasion, to contend against the powerful influence of the Crown, with which they had been engaged in litigation for twelve long years, during which, in the opinion of persons of great weight and authority, justice had been refused to them. Under those circumstances, he did not think he need say more to the House of Commons—who were the representatives of the humble, as well as the affluent—in order to secure for the petitioners a grave and serious consideration of the subject. The hon. Member entered into a long genealogical history of the claimants on the property of Mr. Troutbeck, who died intestate in 1785, at Madras, leaving a considerable property, of which the Crown had taken possession for want of heirs. The hon. Gentleman concluded by saying, that he asked, on the part of the claimants, for an inquiry into the case, and if the Committee were convinced there was ground on which to found a new trial, he would ask them to recommend that a new trial should be granted to the parties, and that all legal and technical objections be waved, so that the whole merits of the case might go before a jury. He was sorry to have detained the House so long, although he felt there was a great deal more he ought to have stated. The hon. Gentleman moved, that a Select Committee be appointed to consider the case of Catherine Robson and Isabella Ainsley, claimants of the property of the late Samuel Troutbeck, of Madras.

The *Chancellor of the Exchequer* vindicated the Government. He admitted that the hon. Member had done no more than his duty in bringing forward the case, and he praised the exertions of his hon. Friend in bringing forward similar cases. He contended, that the Treasury had acted with justice, and that they would have been guilty of a dereliction of duty, if they had acted otherwise. The moment the petition was received, they did not shut the doors of justice against the petitioners, but gave them the benefit of going into the highest court in the land. It was referred to the Court of Chancery, which had adjudicated upon the case. It had been said that the Solicitors of the Treasury had rigidly opposed the prosecution of the claim, and held the petitioners to strict legal proof of their pedigree. Was not that, he would ask, the duty of the Treasury, when there were several other claimants. The Crown, in such a case, held the property in deposit for the rights of other persons, and it was therefore its duty to watch rigidly proceedings on the part of the claimants. He objected to any interference with the decision of a jury and a competent court of law. If the Treasury had endeavoured to controvert the law of the land, then there would be a real ground for complaint. Now, there was none. As long as the laws of evidence continued, they should be applied equally, and not relaxed because the parties could make out a case in the House of Commons, and could find a Member of such ability, industry, and perseverance to bring it forward.

Sir *Frederick Pollock* had been counsel in the case, and would take leave to state a few facts. In his opinion, nothing would be more fatal to the general and efficient administration of justice than to consider that House was to be made a court of appeal for the administration of justice between party and party; but he thought that an appeal might be made with perfect propriety and consistency (and he hoped it would never be made in vain to the House of Commons) in a case where the Crown was concerned on the one hand, and the subject on the other. It was his honest, and firm, and sincere conviction, that if the case was fit to be tried at all, it ought to be tried again; and a more entire miscarriage —a more complete failure of justice—he never witnessed in the whole course of his life. This was a case between the subject and the Crown, and the honour of the Crown was implicated in giving every possible facility to the proof of claims to such property.

Debate adjourned.

TRINITY HARBOUR.] Sir *A. L. Hay* presented the report on the petition for leave to bring in a Bill for forming a harbour at Trinity. He then moved for leave to introduce the Bill.

The Attorney General opposed the motion on the ground of the lateness of the session, and said that the rules laid down by the House with respect to notices and subscribers had not been observed.

Sir *A. L. Hay* contended that the previous Bill brought in this session had not been thrown out upon the merits, but merely on the ground of informality, the House of Lords having made a pecuniary amendment. All that was now asked was, what had been granted in the previous cases of the Leith Police Act and Glasgow Gas Act. The measure, in various shapes, had been already three years before the House, and the object was merely to re-introduce the Bill, which in an amended shape had been approved by both Houses of Parliament.

Sir *G. Clerk* opposed the introduction of the Bill. He did not deny, that the promoters of it were highly respectable, but asserted that they were much better known on the Stock Exchange than in Edinburgh. He contended that the old harbour of Leith might be improved in such a manner as to answer every purpose, and called upon the Chancellor of the Exchequer to interfere in consequence of the large sum of the public money risked by the new undertaking.

Sir *Edward Codrington* remarked, that the difficulty having arisen out of a clause moved by the hon. Baronet, he ought not to object to the introduction of a new Bill which would remedy the defect.

Mr. *Hume* said, that the clause out of which the rejection arose had been frequently before a noble Lord in the other House, who had not objected to it as long as it seemed likely that the Bill would not pass. When it became probable that the Bill would pass, the objection had been raised. He did not mean to impute motives, but merely to state his own impression of the fact. The inhabitants of Edinburgh were naturally opposed to the undertaking of making a new harbour to the detriment of the old, but the real question was, whether the House would sanction a measure which would give to the trade of Scotland the accommodation it required.

Ayes 73; Noes 56: Majority 17.

Leave given to bring in the Bill.

Danish Claims.] Mr. *Clay*, upon the order of the day being moved for the third reading of the Church of Ireland Bill, brought forward his motion that the petition which he had already presented from persons having suffered loss by seizure of property by the Danes, in 1807, should be referred to a Select Committee. He observed that there had been different classes of claimants upon the Government; to some of them their demands were conceded, while those whose case he now brought forward had not received that to which he thought they were justly entitled. In the year 1807 the British Government considered that the French were about to take possession of the Danish fleet, and in consequence an armament was sent out to Copenhagen, under the command of Lord Cathcart and Admiral Gambier. Their instructions were, if possible, to obtain possession of the fleet by negotiation; if not, to take it by force. The details of the circumstances that followed, and the peaceable taking of the fleet, were sufficiently well known. It had, however, been declared by the commandant of Copenhagen, that hostilities having been commenced on the part of the English, all English property was to be confiscated. The claims of the English sufferers by that confiscation had been brought forward without success; but at length an hon. Friend of his, in 1834, brought forward a motion on the subject, which was acceded to, and it was left to Commissioners to decide upon the claims of all persons having demands upon the Government. On the 28th of March, 1835, the Commissioners made a Report, in which they arranged the claimants into several classes: first, those whose book-debts had been confiscated; next, those whose goods had been unshipped and placed on shore; and, thirdly, those whose vessels had been seized. The claim arising from book-debts was stated in the estimates at 125,000*l.*; those whose goods were allowed to be landed were in the estimates of this year for 78,000*l.*; while, with regard to the third class, whose losses were caused by the confiscation of their ships and cargoes in the ports of Denmark and the Baltic, their claims were refused, and no remedy was to be granted. In answer to an application from the parties who had been thus spoliated, they were told by the Treasury, in October, 1835, that their demand could not be acceded to, because the confiscation of ships or cargoes in port or on the high seas was according to the usages of war, and to accede to the demand in this instance for compensation, would be establishing a dangerous precedent. It had been decided by Lord Ellenborough that the seizure of book-debts was contrary to the law of nations—the parties, then, who suffered in that way had a demand upon the Danish Government, and that might be a sufficient answer to them. But here the parties were not apprised that England was at war with Denmark. There was no want of caution on their part; and when that war broke out, it was known in England before they could be apprised of it in the Baltic, and no insurance could be procured upon their vessels. It was not even suggested in the proclamation of Lord Cathcart and Admiral Gambier, when they appeared before Copenhagen, that any act of hostility up to that time had been committed against the English Government. Instances could be shown in which the British admiral assured parties they might with safety proceed to the Baltic. It was to be observed, that the amount of Danish property seized could not be less than three or four millions, while the English property seized was very trifling in amount. It might be said that the parties here had no legal claim; but there was an equitable claim, the recognition of which was demanded by national honour and a sense of justice. He contended that the confiscation of Danish ships was a robber-like transaction on the part of England. There could be but one excuse for such conduct, namely, that the proceeds were made available to reimburse British subjects who had suffered loss through similar proceedings on the part of Denmark. He did not blame the present Government for the course they had thought it their duty to pursue in regard to these claims; no doubt they had acted according to what they thought to be their duty, in refusing to make payments of this description, for which they had not received the sanction of Parliament. He trusted, however, that this evening the House would give their sanction to the payment of the just demands he had endeavoured to advocate. The hon. Member concluded by moving that the petition be referred to a Select Committee.

The *Chancellor of the Exchequer* said, it was one of the most painful tasks which a Minister of the Crown could have to perform, but still no less an imperative duty, to resist the payment of demands of this description, when brought forward in that House, unless he could bring himself to believe that those claims were founded in justice. His conviction was, that if the principle of the present motion were to be admitted, it would form a precedent new in itself, liable to extension, and leading to the worst possible consequences, not only in a commercial point of view, but also as regarded our diplomatic relations with other countries. The total amount of claims to indemnity as they originally stood, were classed under the following three heads—namely, first, book-debts, &c., confiscated by the Danish Government, amounting to 112,000*l.*; secondly, goods and stock to 78,327*l.*; and, thirdly, ships and cargoes also confiscated, estimated at 6,641*l.* The first two of these classes had already been admitted and provided for by Government nearly; 200,000*l.* had already been paid on account of them, and now a claim was still maintained against the country for the 6,641*l.* for the ships and cargoes. Now this demand he was prepared to resist, and that not upon his own authority, but upon that of the Crown lawyers—he did not mean his hon. Friend the Attorney-General, who sat near him, but former Crown lawyers also, who, when applied to to state how far these injuries were justified by the laws of war and of nations, replied, that all ships and cargoes, whether in port or on the high seas, might be seized and confiscated, even though the two nations were not actually at war at the moment; but that goods and items of the nature mentioned in the first two classes were not subject to such seizure, and ought to be fully indemnified to their owners. Now, this was the opinion upon the weight of which he had hitherto acted, and by which he was prepared to stand on the present occasion. He would only add on this point, that when, on a late occasion, application was made to him on the subject of these claims, he told the applicants that, in order to give them every chance of success, he would lay their own statement of the case before the Crown lawyers, if they would draw one up. This they did, and the statement was laid before the Crown lawyers, who, after taking it into consideration, said, that they saw in it no ground whatever to alter the opinion which they had already given on the subject. He would not enter into a discussion as to the justness or injustice of the hostilities in which these confiscations took place, in the same way that he was not prepared to assert the justness of the causes of the American war, or of the French revolutionary war as it was called; he confined himself to this simple principle, that the war once commenced and in operation, the laws of nations and of warfare were the same and unchangeable. Upon the grounds which he had thus stated, he felt it to be his duty to resist the motion of the hon. Member for the Tower Hamlets.

Mr. *George F. Young* thought it to be his duty to oppose the right hon. the Chancellor of the Exchequer on this question, and to give his support to the motion of the hon. Member for the Tower Hamlets. He had it upon a very high authority, in opposition to the opinion stated by the Crown lawyers, that these proceedings had taken place in direct contravention of the law of nations.

Mr. *Hume* would also support the motion of the hon. Member for the Tower Hamlets. He contended that this country was not at war with Denmark at the time these seizures took place; so far from it, the parties trading with Denmark, and having cargoes on the point of starting to that part of the world, made inquiry of the Government at home, and also of the Danish Ambassador, whether hostilities were meditated in that quarter, and they received an assurance in the negative. After taking this precaution, and receiving this assurance, he thought it extremely unjust that these parties should be made to suffer. He trusted that the House would act upon the principle that British subjects ought always to be protected in furtherance of their lawful commerce, upon which so much of our strength as a great maritime nation depended. He called upon the House not to resist those claims in the manner and on the grounds stated by the right hon. the Chancellor of the Exchequer; but as they had already indemnified the first and second class of losses, that they would complete the act of justice by paying those comprehended in the third class.

Mr. *Hutt* hoped the House would not support the right hon. the Chancellor of the Exchequer in the technical objections which he had raised against these claims. It was proved that these parties had acted under the assurance of perfect security given them both by the British Government and the Danish Ambassador, and he thought sufficient grounds had been shown to justify the House and the Government in admitting the claim which was now made.

Dr. *Lushington* said, that although he agreed in many of the arguments of the right hon. the Chancellor of the Exchequer, he must add that he felt under the necessity of coming to a different conclusion as to the justice of these claims in the present case. He quite agreed with the right hon. Gentleman that claims of this description should be entertained with great caution; and that they should not be listened to unless undeniably established upon the grounds of justness and right; and it was because he did think that the present claims were so established that he should support the motion of his hon. Friend, the Member for the Tower Hamlets. The Chancellor of the Exchequer held the doctrine that to seize the vessels of other powers, even when no war had actually commenced, was not contrary to the law of nations. This was a principle which he (Dr. Lushington) would not admit, although a distressing precedent had occurred previous to the present case, in the seizure of the Spanish ships in 1804. Surely, if this principle were admitted, and was to be acted upon, it would lead to a total distrust of treaties, and would greatly tend to check that system of peaceful commerce which now existed with so much advantage to all nations. He hoped that, for the sake of a few thousand pounds, the Government of this country would not be led to commit a gross wrong on individuals.

The *Solicitor-General* said, that the distinction taken between the two classes of cases was perfectly supported by the law of nations. The class now under consideration was such as included those liabilities to which every man circumstanced as these claimants were, either knew, or ought to know, that he was subject. The only question was, whether this seizure was consistent with the law of nations, or in violation of this law? The moment they came to the former of these conclusions, it followed that, however great the hardship on individuals might be, the ships were taken according to the usage of nations, and that this seizure came within the same class as that which comprised the ships taken in the ordinary course of warfare. Though it might be expedient that this law should be changed by the consent of all nations, and that some notice of seizure should be given, rather than that the first intimation of the intention should be conveyed to traders by the act of seizure itself, still it would be inconsistent with all precedent, if such a course were adopted without the abrogation of that law, which had hitherto been observed, being made in the first instance.

Mr. *O'Connell* expressed his hope that the House would not sanction such a system of abominable plunder as that by which vessels and cargoes were seized without the possibility of any notice that the nations were engaged in war. They would never have borne with such a system only that they happened to be the greatest naval power in the world, and that they had themselves practised it. The argument that this practice was justified by international law amounted to this—because we have plundered others, that is a sufficient reason for pronouncing the act which we have committed, as one warranted by international law. He admitted, that this had been the practice, but he denied that it was the law; and he trusted that the decision of that House would deter not only this but other countries from adhering to such a practice. This claim was one founded in justice; its rejection on this occasion would be but a continuation of wrong, and he hoped those who made it would never cease to urge it upon the consideration of the Legislature until the cry of justice for Englishmen resounded through the land.

Mr. *Goulburn* said, that the case made out by his right hon. Friend (the Chancellor of the Exchequer) was so strong that he felt bound to get up and state his conviction, that these claims ought not to be acceded to. The doctrine of the hon. and learned Member for Kilkenny, if worth anything, laid it down, that not only should the Danish merchants receive the amount of their losses, but that England was to be considered liable to the making good of all losses on account of seized cargoes, where the suffering parties were ignorant of a declaration of war having been published. This general position would, he need not say, give rise to more claims than the wealth of England could redeem. The hon. and learned Member had then gone on to say, that the seizure of the cargoes of the petitioning merchants was an act of robbery, and that the property so forfeited should be made good to them. If this position was maintainable, England should at once say to Denmark, "We have robbed you of 1,500,000*l.*, and we must compensate you." Upon the fullest consideration of the subject, he felt bound to oppose the hon. Member for the Tower Hamlets' proposition.

The House divided on the original Motion; Ayes 59; Noes 51—Majority 8.

CHURCH AND TITHES (IRELAND).] The Church of Ireland Bill was read a third time.

On the Question, that the Bill do pass,

Mr. *Fowell Buxton* expressed a hope, that means would be taken to enforce the observance of the school rules in Ireland.

Viscount *Morpeth* promised to use his best exertions for that purpose.

Bill passed.

GRAND JURIES (IRELAND).] The House went into a Committee on the Grand Juries (Ireland) Bill.

Clause 167. If Grand Jury refuse or neglect to present money which ought to be presented to repay monies advanced out of the Consolidated Fund, the Court shall make an order which shall have the form of a presentment.

Mr. *Fitzstephen French* objected to the retrospective power proposed to be given to this clause, and moved, that the words "any Act now in force in Ireland," be omitted. He considered the clause was introduced for the purpose of forcing an unjust claim on the county which he represented, and under it the Judge would be forced, even contrary to his own opinion, to order money to be levied off the county.

Colonel *Perceval* said, the clause would have the effect of an *ex post facto* law, particularly with respect to the claim made upon the county of Roscommon, because the Government's claim had already been discussed there; and the Judge, after taking proper time to deliberate upon the case, had declared, that the law of the land could not enforce the payment of the money. Now, by this Act, the same Judge would be compelled to reverse his own decision, and compel the Treasurer of the County to levy the money, upon receiving a certificate to that effect from the Chief or Under-Secretary to the Lord-Lieutenant, which was to have all the force of a Grand Jury presentment, and this would operate most hardly upon those who, in the county of Roscommon, had hitherto resisted the claim of the Government, because the matter would be investigated, no evidence would be heard—it would be at once settled by a certificate from the Government, that the money was due, a course of proceeding which was neither consistent with justice and equity, nor reconcileable to the duty of the Government towards his Majesty's subjects. The right hon. Gentleman (the Chancellor of the Exchequer) had stated, that he thought there should be a limitation of five years, after which such claims could not be sustained; now if his Majesty's Government were of this opinion, why introduce this clause into the Act before them, compelling the people to pay that which could not be demanded from them by the law? He considered the clause to be an extremely oppressive clause, and he hoped his hon. Friend below him (Mr. Fitzstephen French) would persevere in his amendment. There was a limitation to the claim of debts in common cases, between man and man, and he could see no reason why this should be an exception; it was now fourteen years since the money was said to have been advanced, in the course of which time those who originally benefitted by it, perhaps were dead; new tenants, who had no interest in it, might be in possession of the property; various transfers must have taken place; the Judges had declared against it, and said it was not in their power to enforce its payment; and now the House, by this clause, gave a new power to recover it, which he could neither reconcile to justice nor honest dealing with the parties, and therefore he should join in resisting the clause.

Mr. *More O'Ferrall* supported the clause, and declared, that it was not retrospective. He stated, that it gave no new power, and that if it were not passed, the constabulary would be unprovided for.

Colonel *Perceval*: The hon. Member did not understand him as wishing to enforce the payment of the money immediately upon the expiration of the five years, but merely as desirous to have it enacted, that unless payment be demanded within that period, there should be no power to recover it by levy; whereas, with respect to Roscommon, the money was said to have been advanced in 1822, and a period of fourteen years had since elapsed. The clause gave the Government the power to do that which they could not do now, and therefore he should oppose it. If the noble Lord would frame a clause, enacting that money advanced should not be repaid unless demanded within five years, he would support him; but he would not agree to one which gave power to recover money after such an extraordinary length of time had passed away. He considered such a proceeding to be unjust and inconsistent with fair dealing between the parties. He should be the last person to resist a just debt, but confiding in the integrity of the Judges who had decided against the power of the Crown to enforce the payment, he saw the greatest evil arising from a clause which gave a summary power of enforcing it after the lapse of fourteen years.

Lord *Clements* supported the amendment, and considered that such a power ought not to be vested in the judge.

Mr. *F. French* stated, that the hon. Member for Kildare was incorrect in every statement he had made. The clause was a retrospective one, as the hon. Member himself confessed the clause did contain new powers. The court now could refuse to fiat until certain presentments were made by the grand juries. But by this clause the judge could make an order which would have the force and effect of a presentment, and under which the money would be levied off the county. The hon. Gentleman would not deny that this was a new power. The omission or alteration of this clause would not affect that portion of the expense for the support of the constabulary, which was to be borne by the counties in Ireland. This was provided for by the constabulary Bill, which had passed so very lately, that he was quite surprised it should have escaped the recollection of his hon. Friend. The last assertion was, that this money was lent on the application of the grand jury. This was also incorrect, as the grand jury never made an application on the subject.

Mr. *O'Loghlen* said, the operation of the clause was not retrospective; it merely preserved the right of the Crown, and provided for a clear exercise of that power which was now exercised in a most inconvenient manner. The presentments of the grand jury, as the law stood now, must be fiated by the judges, before they could be put in force. Certainly this money could only be paid upon their presenting, but the judge had the power of refusing to fiat their other presentments, if they refused to make those which might properly be required of them. He could by this means stop all allowances for the maintenance of the gaol, or for county expenses of any kind whatever. Instead of doing this, he would now have the power of ordering payment on the certificate of the secretary of the Lord-Lieutenant, but not of saddling the county with one shilling expense, to which it was not before liable, and this was not a new power.

Mr. *F. French* said, the only existence it had was in a local Act for the city of Cork, and was, to all intents and purposes, a new power, so far as the counties were concerned. It was, he contended, for the purpose of making the country in general pay sums that had been lent, or granted perhaps would be a better phrase, by individuals.

Mr. *O'Loghlen*—There are twenty Acts of Parliament applying to counties, but none to individuals. This Act will not, in any way, affect the claim upon the county of Roscommon.

Colonel *Perceval*—The clause would have the effect of forcing the payment of money, in spite of the decision of the grand jury; all that the judges could now do was to say, we will refuse to fiat your presentments, but the jury might think proper to take the consequence of their refusal, rather than present certain sums required of them, and then the money could not be demanded; but hereafter, should this clause be passed, the judges might allow the grand jury to go through the farce of presenting, and set them at defiance, telling them "we do not want your presentment, we have power to control your decision — the treasurer may at once levy the money." He thought it was much better to leave to the grand jury the alternative they have now, rather than the counties should be set in opposition to them, as they would be in the payment of sums like these; the clause would give the judge the right of setting aside the deliberative power of the grand juries, whenever he was directed so to do by the Lord-Lieutenant. He would prefer leaving them the alternative they now had, to giving the judges, on the direction of the Lord-Lieutenant, the power of levying without their previous presentments; the judges had no such power now, if they had, they would exercise it. This clause would give them a new power, and if Mr. Justice Burton went the same circuit next assizes, he would probably be compelled by it to act contrary to his own former decision.

Viscount *Morpeth* said, it was plain to him that if the cases referred to by the hon. Members opposite were not just debts, this clause would not compel the payment of them; while, on the other hand, he had already had sufficient experience to satisfy him—such was the present uncertain state of the laws in Ireland, that there was the greatest difficulty experienced in procuring any pecuniary advances out of the general funds of the empire to be applied to local purposes in that country.

Mr. *Randall Plunkett* believed, that many of these advances should be repaid, but he objected to the more stringent power which this clause would give to the judges. The noble Lord and learned Attorney-General for Ireland said, that it would only enable them to do that directly which they now have the power of doing indirectly. In the present state of things, it would be more desirable that the control of the county funds should be vested in a body of men, than that of an individual, thereby setting aside the presentments of the grand jury, and rendering them useless altogether.

The Committee divided on the original question: Ayes 73; Noes 35—Majority 38.

Lord Clements moved another amendment, to substitute the words, "that the judge shall have power to refuse fiating the presentments, in place of the power of ordering the treasurer to place it upon the levy."

The Committee again divided: Ayes 35; Noes 84—Majority 49.

Clause agreed to.

Report to be received.

House resumed.

IMPROVEMENT OF ESTATES.] Mr. Lynch moved for leave to bring in a Bill to enable tenants for life of estates in Ireland to make improvements in their estates, and to charge the inheritance with the moneys expended in such improvements.

Mr. *Lefroy* observed, that this was a Bill to do away with settlements, and to enable tenants for life to rob their children. If it were brought in, he should most certainly oppose it in every stage.

Mr. *A. Trevor* said, he was so strongly opposed to it, that he would take upon himself the responsibility of dividing the House on the motion of the hon. Member.

Mr. *Wyse* hoped the hon. Gentleman would not do so. It would be a great matter to afford the public an opportunity of considering the merits of the Bill during the recess.

Viscount *Morpeth* said, the Bill had been recommended in the Report of a Committee, and he hoped the House would not object to its being brought in.

Mr. *Lefroy* said, it really was with great reluctance he persisted in his opposition to the proposed measure, but he did not wish even so much countenance to be given to the principle of it, as leave to bring in such a Bill. Why should such a Bill be brought in for Ireland, when he would venture to say, no man ever even contemplated such a Bill for England? He did not understand why it should be proposed to bring in a Bill for Ireland in particular, which would have the direct and immediate effect of annulling settlements, and enabling tenants for life to charge the inheritance with any amount of expenditure they might think proper to make; he, however, knew what use would be made of this Bill in Ireland. In fact, no remainder-man, under any settlement in Ireland, would be safe if this Bill were to pass. Even as the law stood at present, they knew what waste was frequently committed by tenants for life on the property of infants, who were unable to protect their own interests; but, if tenants for life were to be enabled to charge estates with the moneys expended by them on those estates, it would be better at once to bring in a Bill to annul all settlements. If the Report of a Committee was before the House, as had been stated, they could judge of the Bill from that just as well as if they had the Bill itself upon the table, and he could not see what object was to be attained by giving greater publicity to the measure than what that report afforded.

Mr. *Lynch* said, that as a law of a similar nature existed in Scotland, he did not see what objection there was to its introduction into Ireland. The people, no doubt, might be a little startled by it at first, but when they would see the restrictions he had to propose, he was sure that that surprise would subside. He only now asked for permission to point out what the restrictions and conditions were upon which he would propose this measure.

The *Chancellor of the Exchequer* said, he felt great difficulty about the measure, but upon that very ground, he was ready to assent to the proposition of his hon. Friend, the Member for Galway.

Motion withdrawn.

COUNTY ELECTIONS.] On the motion of the Solicitor-General, the question was put, that the Report on the County Elections Polls Bill be brought up.

Mr. *Rice Trevor* said, he considered the measure as getting rid of the franchise of the outvoters in counties by a side-wind. He objected to a question of so much importance being decided in this way. The Bill was liable to the objection, that it was an interference with the Reform Bill, which he thought was to be a final measure. He should divide against the motion.

Lord *John Russell* said, it was always his intention that the polling for counties should last only one day. There were formerly the same objections to reducing the time from fifteen days to two, that there were now to reducing it from two days to one. Instead of putting a clause to effect the proposed change into the Registration Bill, in order to avoid objections, he had made the matter the subject of a separate Bill. He thought this was an answer to the charge of endeavouring to effect his object by indirect means.

Mr. Forbes moved that the Report be taken into further consideration on Monday

The House divided on the original motion: Ayes 47; Noes 18—Majority 29.

Report received.

HOUSE OF LORDS,

Monday, July 18, 1836.

MINUTES.] Read a first time:—Church of Ireland; Valuation and Civil Bill Courts' (Ireland); Admiralty Jurisdiction (Prince of Wales's Island); Insolvent Debtors' (India); Post Horse Duties; Administration of Justice (New South Wales).

Petitions presented. By the Archbishop of CANTERBURY, from various Places, against the Registration of Births and Marriages' Bill.—By the Duke of WELLINGTON, from various Places, against Universities' (Scotland) Bill.—By the Earl of CHICHESTER, from various Places, for the Better Observance of the Sabbath.—By Lord WYNFORD, from Huntingdon, for the Repeal of the Poor-Law Amendment Act.

TOLLS ON STEAM CARRIAGES.] The Marquess of *Salisbury*, seeing a noble Earl who had taken charge of the Steam Carriages Tolls Bill, the Report of which stood for the present evening, in his place, suggested the propriety of referring the Bill to a Select Committee, for the purpose of examining witnesses with reference to the interests of certain persons, which were likely to be affected by the measure. He should be sorry to be compelled to give the measure a decided negative, which he should be obliged to do, if an opportunity were not afforded to those parties to state their case; and, therefore, he hoped that the noble Earl would accede to his proposition.

The Earl of *Radnor* said, if it were the wish of the House that such a course should be taken, he would not oppose it; but he did not know how it could be regularly adopted. The Bill had gone through a Committee of the whole House, and the Report was ordered to be received this day. After that proceeding had taken place, he did not see how the Bill could be recommitted. The facts stood thus:—Mr. Gurney, a gentleman of considerable talent, had devoted all his attention to the construction of steam-carriages applicable to the road. He had given up a lucrative business, and applied himself wholly to that point. He had brought his invention to a state of great perfection; when, all at once, a Bill was introduced, not directly affecting his invention, but, by a side-wind, entirely obstructing it, and laying such a tax on steam-carriages, as would completely defeat his object. His invention had been used without any accident whatever occuring; and this Bill was intended merely to take off that burden which indirectly would operate greatly to the prejudice of Mr. Gurney. The only objection he had heard stated against the measure was, that it would interfere with the claim of another individual.

The Marquess of *Salisbury* was of opinion that the subject ought to be further investigated, in order to secure the public against the occurrence of accident.

The Earl of *Radnor* said, no ground whatever had been laid for delaying the progress of the Bill. The public were secured from accident by the peculiar construction of the boiler.

Lord *Lyndhurst* said, it was originally proposed to consider, in a Select Committee, that clause which enacted, that no steam-carriage plying on the road, should have a boiler of more than certain dimensions. Now, it was understood that a steam-carriage plying in the neighbourhood of London, had a boiler of larger dimensions than those pointed out by the Bill; and on that point he had presented a petition from a patentee of locomotive carriages, praying to be heard by counsel against the present Bill.

The Earl of *Radnor* said, the individual clause to which the noble and learned Lord alluded, had been struck out of the Bill, so that there was no necessity to hear counsel on that point.

Lord *Lyndhurst* was not aware that the clause referred to had been struck out. Still he was of opinion, that it would be right to send the Bill to a Select Committee, to see that due security was provided against accident.

The Earl of *Radnor* only hoped, that those noble Lords who were so anxious to send the Bill to a Committee, would take care and attend that Committee. He wished to know, how long they were likely to detain the Bill in Committee, and whether the noble Marquess could state the names of the witnesses whom it was proposed to call?

The Marquess of *Salisbury* said these were questions which no noble Lord could be expected to answer, and which he believed very few noble Lords would ask.

Bill referred to a Select Committee.

PRISONERS' COUNSEL.] The Duke of *Richmond* moved the order of the day for resuming the debate on the Prisoners' Counsel Bill, and brought up a clause to be added as a rider to the Bill, the object of which the noble Duke described to be, to afford persons an opportunity of obtaining copies of the depositions of witnesses, upon whose evidence they were committed for trial, upon the payment of a reasonable sum, not to exceed three half-pence per folio. The noble Duke moved the adoption of the clause.

The *Lord Chancellor* took that opportunity of explaining the course he had taken on a former evening, during the debate on this Bill, in reference to what had fallen from a noble and learned Lord, who stated, that it was the practice of the present law, to allow fresh witnesses to be examined before magistrates after the committal of a prisoner, and in his absence. He had since applied to Sir F. Roe for information upon that point, and had received a letter in reply, assuring him, that in no case was it the practice of magistrates to hear evidence after the committal of a prisoner, nor in the prisoner's absence, except when preliminary applications were made for warrants. When fresh witnesses were discovered after the commitment of a prisoner, they were sent before the grand jury, without being examined by the magistrates.

Lord *Wynford* supported the clause, observing, that though when it was first proposed he had taken another course, yet, upon reconsideration he had altered his opinion, and was now convinced that it was very proper to be inserted in the Bill.

Lord *Holland* congratulated the noble and learned Lord and the House on the change which had taken place in his Lordship's mind on this point.

Clause agreed to, and the Bill passed.

MUNICIPAL CORPORATIONS' ACT AMENDMENT.] The *Lord Chancellor* rose, to bring under the attention of the House the Commons' reasons for disagreeing to the Lords' amendments in the Municipal Corporations' Act Amendment Bill, and the amendments which the Commons had made to this Bill. After proposing the adoption of several verbal amendments, which were agreed to, the noble and learned Lord proceeded to explain the nature of an amendment of the Commons upon the 5th Clause, by which it was provided, that, in the event of the Council not being able to agree in the election of a mayor, the decision should be referred to the burgesses at large. By their Lordships' amendment it was provided, that, in the event of an equal division of the town-council, and there being no probability of agreement, the presiding officer should be chosen by lot, and to have the casting vote; the alteration made by the Commons was, that in such cases, which he (the Lord Chancellor) considered would be very rare, the decision should revert to the burgesses, by whom the town-council itself was elected.

The Duke of *Wellington* expressed his dissatisfaction at the alteration which had been made in this amendment by the Commons, and contended that it was a departure from the principle which had been laid down, when he and his noble Friends consented to wave their opposition to the decision of the Committee above stairs, and unanimously to adopt the amendments as they were framed by that Committee. The amendments were adopted by the noble Lords opposite, and unopposed by the noble Lords on his side of the House for the sake of unanimity, and therefore he could not but feel surprised that some measures were not taken to insure a similar decision in another place. With respect to the particular clause, now before the House, he had before opposed a proposition to the same effect, and he must still oppose it, as being essentially at variance with the principle upon which the House had unanimously passed the amendments, and to which principle he thought they were bound to adhere.

Viscount *Melbourne* thought the observations of the noble Duke rather unparliamentary and unconstitutional in their character. It was not to be expected that the other House should be bound by the decision of a Committee of their Lordships' House. The Bill had not been sent down to the House of Commons as the Bill of a Committee, or of any party in that House; and the amendments were subject to the approval or rejection of the House of Commons. It was quite new to him, that any man or any set of men in that assembly should have the power of destroying the independence of Parliamentary proceedings.

The Duke of *Wellington* begged to explain, that his observations were confined to the course which had been pursued in reference to these amendments, and not to the right of the House of Commons to interfere with them. What he complained of was, that while the noble and learned Lord on the Woolsack had supported the amendments of the Committee of that House, they should be opposed and altered by the Attorney-General in the other House.

Lord *Ellenborough* expressed his surprise that the noble and learned Lord on the Woolsack, after acquiescing in the amendments, now should request their Lordships to abandon them. The Bill had gone down to the other House as a Government measure in one shape, and it came up in another shape, but still it was called a Government measure. It appeared to him that there were two Governments, one in that House, and one in the other. He had seen these alterations with regret; and he must say that he very much disliked that disposition which prevailed, to look upon Municipal Corporations as composed of two different parties, for he was convinced that politics had nothing whatever to do with their character and constitution.

The Marquess of *Lansdowne* was as much surprised as the noble and learned Lord to hear even a hint thrown out, that a party in that House could compel a party in the other House to take a particular course, because that course had been agreed to or recommended by a Committee of their Lordships' House.

Lord *Lyndhurst* thought the effect of the amendment, as it now stood, would be to give at all times an undue influence to the extreme popular party, because it would destroy that wholesome check which would exist under the other regulation, and by which that party, to a certain extent, would be controlled.

The Earl of *Devon* expressed his concurrence in the opinions of the noble and learned Lord.

The House divided—Contents 33; Not-contents 63: Majority 30.

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Commons' amendment disagreed to.

The other amendments were agreed to.

HOUSE OF COMMONS,

Monday, July 18, 1836.

MINUTES.] Bills. Read a third time:—Copyright (Ireland); Lighthouses.—Read a second time:—Turnpike Act Continuance; Court of Exchequer (Scotland).—Read a first time:—Malt Duties (Ireland).

SOUTH METROPOLITAN CEMETERY.] Captain Alsager brought up the Report on the South Metropolitan Cemetery Bill.

Mr. *Charles Lushington* rose for the purpose of stating, that he withdrew his opposition to the present Bill, as some of its clauses had been materially modified. His original objection to the measure was founded upon its illiberal character; and he feared that that had not been altogether removed. It was painful to him to reflect, that the Legislature should grant its sanction to a Bill for forming a Cemetery, in which the rites of burial would be refused to such men as Dr. Pye Smith or Dr. Chalmers, and granted to murderers or to parricides, if their friends stated that they belonged to the Established Church. The most virtuous Dissenters were to be rejected and repulsed, while the greatest criminals, if nominally connected with the Church, were to be freely admitted. It would sometimes happen, that the wish of husband and wife to be buried together would be frustrated. Since he had last spoken on the subject in that House, he had come to the conclusion, that he could not continue his opposition to the Bill without doing injury to individuals; he should, therefore, withdraw his opposition. In stating so much, however, he begged to add, that to some parts of the Bill his aversion and disgust continued unabated.

Mr. *Baines* hoped it would be found that some of the clauses to which the last speaker referred were only objectionable in appearance, and he hoped and believed, that upon examination it would appear that a great deal to which exception was previously taken had now been obviated.

Dr. *Bowring* said, there were a few words in one of the clauses to which he had a decided repugnance; he alluded to that wherein it was enacted, that the bodies of Dissenters should be decently interred. Of course they would be decently interred —who could doubt it? Then why, he would ask, should any reflection appear to be cast upon the great body of the Dissenters by the retention of such a phrase in an Act of Parliament?

Mr. *Wilks* said, that all persons must approve of undertakings such as that, provided they were liberally conducted. He thought that the whole of the ground ought to be consecrated, for it was surely not fitting that one portion should be considered more holy than another, or that any distinction as to their burial places should exist between Dissenters and members of the Established Church. Of course every one desired to see cemeteries removed out of London, but he earnestly desired to see Roman Catholics and Dissenters in this country placed upon the same footing that they were in Ireland, as regarded the rites of burial.

Report received. Bill to be engrossed.

TRINITY HARBOUR.] Sir Andrew L. Hay moved the second reading of the Trinity Harbour Bill.

Sir *George Clerk* rose to call the attention of the House to a circular note, a copy of which he then held in his hand; it was to this effect—that from the avowed determination expressed by Sir George Clerk to oppose the Bill then under consideration, at every stage, it having been withdrawn from the House of Lords before its third reading, the writer expressed a hope that the hon. Member to whom it was addressed would attend in his place and support the second reading of the Bill on that day. He felt it due to himself to say, that the statement contained in that circular was utterly false. He knew not when or where it could be said of him that he had expressed a determination to oppose that Bill through its several stages. He objected to the Bill on the same grounds which he had stated on a former occasion—namely, the introduction of a clause which the promoters had put in, either with the view of raising higher duties than before, or in consequence of a very gross mistake. He had before said, and he should now repeat the declaration, that under such circumstances they had no right to come before the House of Commons to ask for a new Bill. Was there any precedent for parties making their own blunder a ground for proceeding anew? He did not hesitate to say, that what had occurred was either a wilful, and therefore a culpable act, or else the result of gross stupidity and neglect. He concluded by moving that it be read a second time that day three months.

The *Speaker*; I apprehend, that if this Bill have been introduced under the circumstances which has been stated by the hon. Baronet, the Member for Edinburghshire, the hon. Member cannot proceed with it; and, therefore, the hon. Member must withdraw his motion.

Sir *Andrew L. Hay* wished to understand from the Chair, whether it would be against the rules of the House that the Bill should then be read a second time?

The *Speaker*: It rests with the hon. and gallant Member to shew that the Bill has not been brought forward under circumstances which are opposed to the general rules and practice of the House.

Sir *Andrew L. Hay* observed, that he before had stated to the House that this was not the reintroduction of a Bill rejected by the Lords; it was withdrawn from that House before it came to its last stage, and now altered in no other respect than as their Lordships wished it should be; he hoped, therefore, that the Bill would be allowed to proceed. If rejected, it would really be depriving the public of a great and substantial benefit.

Mr. *Wilks* desired to know if they could then proceed with the Bill?

The *Attorney-General* said, that what had occurred must have been the result of gross neglect or of barefaced fraud. There was clearly no precedent for this reintroduction of a Bill; and, even if that objection were got over, how could the House be asked to read a Bill a second time when the print did not agree with the Bill on the table, which in this instance was allowed to be the case?

The *Speaker:* It appears to me very clear that the question which the House has first to decide upon is this, is there no other printed Bill in the hands of hon. Members than that which differs from the Bill on the Table? If such be the fact, the hon. Member cannot proceed to the second reading.

Sir *A. L. Hay* said, there was no other printed Bill.

The *Speaker:* Then we cannot proceed, because there should be printed copies made according to the Standing Orders, and the invariable practice of the House.

Second reading postponed.

BREACH OF PRIVILEGE — IMPUTATIONS ON MEMBERS.] On the Order of the Day for the attendance of Mr. Nicholas Wilcox Cundy at the bar having been read,

Sir *Charles Burrell* said, that with the permission of the House, he would state what had occurred between himself and Mr. Cundy after he had heard from the hon. Member for Wiltshire what Mr. Cundy had said respecting his conduct on the London and Brighton Railway Committee. He had seen Mr. Cundy in the House of Lords, where Mr. Cundy attended to give evidence, and he then said to him, "Mr. Cundy, I desire to speak with you. How dared you to state to Mr. Benett, that I was induced to vote in favour of Stephenson's line by a sum of 15,000*l.* being given me for my land?" In answer to that, Mr. Cundy had at first denied that he had said so, but he knew Mr. Benett was a man of too much honour to tell him what had no foundation in truth, and besides, that hon. Member had no conceivable motive for inventing a story of the kind, and, therefore, he asked Mr. Cundy whether he had not said something very like it. Mr. Cundy again answered, that he did not say so, but that he had heard other persons say so. He then said, "Mr. Cundy, you have no right to disparage the character of another man by making such statements, without having first ascertained the truth of what you said. It would have served you right if I had brought you to the bar of the other House; and I now warn you, that if you repeat what you have said, the consequences will be on your own head." This, as near as he could recollect, were the words which he had used. Mr. Cundy afterwards called on Mr. Benett at his own house, and there asserted what he had stated before respecting the 15,000*l.* It became, therefore, impossible for him to pass over the matter any longer, especially as the imputation which had been thrown upon him was not confined to himself, but Mr. Cundy had alleged that other members of the Committee, as well as he had been influenced, by corrupt motives in deciding in favour of Stephenson's line. Life would not be bearable if he were to rest under this imputation, and whether gentle or simple brought the charge against him, he denied that it was true. He challenged and courted an investigation, and any man, in or out of the House, who accused him of such conduct should be met by his prompt denial.

Mr. *Goring* said, that as Mr. Cundy's behaviour had been complained of, it seemed right that he should state in what manner he had conducted himself towards him. [*Cries of "Order" and "Chair," compelled the hon. Member to resume his seat.*]

Mr. *N. W. Cundy* was then called in, and examined by the Speaker. The witness stated, that he was a civil engineer, and had been employed in making a survey of a railroad between London and Brighton. Had not solicited the votes of the attendance of Members of the House when the Brighton Railway Bill was under the consideration of a committee. Had a conversation with Mr. Benett, a Member of the House, on the subject of the South Western Railway. Had called on him fourteen or fifteen days ago on the subject of the South Western Railway, and a certain conversation then took place on the motion of Mr. Benett relative to the London and Brighton Railway.

The *Speaker:* I wish to know distinctly, whether you have had any conversation with Mr. Benett on the subject of the London and Brighton Railway?—Mr. *Cundy*: Yes, when I called on Mr. Benett about the South Western Railway, which conversation was begun by Mr. Benett speaking about the landowners on the line. When I spoke of them I spoke of them as landowners only, not as Members of the House, and I mentioned the large remuneration they were said to have received.

The *Speaker*: Did you make any communication to Mr. Benett respecting the large compensation which Sir C. Burrell, a Member of this House, had received, or was to receive, for his land on the line?—Mr. *Cundy*: I have a paper here, in which the substance of the conversation I had with Mr. Benett is contained, if it should be the pleasure of this hon. House that I should read it.

Mr. *Hume* said, that before that paper was read by the witness, he wished to ask whether it was written by another or by himself, and whether the statement was his own?—Mr. *Cundy* stated that the paper was written by himself, and was his own statement.

The *Speaker*: When was it drawn up?—Mr. *Cundy*: To-day.

The *Speaker*: If it was drawn up on this day only it cannot be read.

The examination by the Speaker was proceeded with. Mr. Cundy stated, that the conversation he had with Mr. Benett on the subject of the London and Brighton Railway Committee was solicited from him. Reports were abroad as to the large remuneration received by the landowners on Stephenson's line, and he said that he heard such reports were in circulation. Mr. Benett asked him if he could name the parties, who the landowners were, not referring, as he supposed, to Members of the House. He commenced by stating that Sir C. Burrell was to have remuneration of from 10,000*l.* to 15,000*l.* for the land he had on the line. He stated then, as he did now, that it was merely a report. It was spoken of in a Brighton paper, and by other portions of the press. Had stated that other Gentlemen were to have large remuneration, who were not Members of that House. Had been asked whether the Duke of Norfolk was to have large remuneration, and replied then, as he did now, that he knew nothing about it. Had said nothing more respecting the conduct of the Members of the Committee, except that Sir Charles Burrell had taken one side. Did not say on what side he appeared to be inclined. Had a letter then written by Sir C. Burrell upon the subject of his line in 1835, which he was ready to read.

Sir *C. Burrell* had no objection to offer against reading the letter which the witness held in his hand, except that it had nothing to do with the present question.

The examination was resumed.

The *Speaker:* Did you say anything respecting any change of conduct on the part of Sir C. Burrell with respect to the different lines of railway?

Mr. *Cundy:* No, I did not.

Mr. *Hume* said, that it appeared to him that the witness had only repeated the reports which had circulated in the public press.

Mr. *Cundy* in answer to questions put by the last named hon. Member, said that four or five weeks ago a statement was made in the *Brighton Gazette*, that the landowners on Stephenson's line were to have enormous remuneration. Sir C. Burrell's name was not mentioned in that paper as one of them, but it was reported that he was to receive a large amount of compensation.

Examined by Mr. *Goring.*—Did not say that any Member of the Committee had been tampered with. Did not state that money had been received, or was to be received, by any Member of the Committee for his vote. Did not say that any Member had voted in the Committee in consequence of receiving money for his land. Did not tell Mr. Benett so.

By Mr. *Robinson.* Did not say, that the vote of the Committee was obtained by unfair means. When he heard that he had been reported by Mr. Benett to have said that Sir C. Burrell was to have 15,000*l.* for compensation, had waited on Mr. Benett and told him that he had never said any such thing. Did not say that Sir C. Burrell was at first against Stephenson's line, and afterwards supported it, because he was to have a large sum of money for his land. No other person was present when this conversation took place between himself and Mr. Benett. Saw Sir C. Burrell in the House of Lords when he was in attendance upon a Committee. Sir C. Burrell came up to him in what he might call rather a warm temper, and asked him if he had said what had already been stated respecting his conduct on the London and Brighton Railway Committee. Had then said, what he repeated now, that he had said no such thing—never said so, and never meant to say so.

By Mr. *Williams Wynn.* The second time you called on Mr. Benett, what took place?

Witness.—In consequence of what had occurred, I felt it my duty to call on Mr. Benett, and I said to him, "What have you been saying to Sir Charles Burrell about my charging him with voting for Stephenson's line for corrupt reasons? I assure you I said no such thing; all I said was, that I had heard that considerable remuneration was to be given to the landowners on the line." I commenced with the line, and mentioned the name of Sir C. Burrell, as he was one of the great landowners on the line. That was all I said. As to the facts, I know nothing about them, and only spoke from blind report.

Mr. *Williams Wynn.* Did you tell Mr. Benett that you had heard what you have stated, and that you believed it to be true?

Mr. *Cundy.* No.

Mr. *Wynn.* Have you any reason whatever for believing the reports you mentioned to be true?

Mr. *Cundy.* It is impossible for me to decide on that point. If the House shall please to appoint a Committee to investigate the subject, I shall be ready to attend their orders with all humility. The reports referred to were mentioned in *The Morning Chronicle, The Morning Herald, The Morning Post, The Times* and other papers. I do not like to call on Members of the Upper House.

Mr. *Hume* observed, that from all that had been collected during the examination, it was plain that what Mr. Cundy had said was given as the reports of different papers, and it was evident he knew nothing of his own knowledge.

Captain *Pechell.* Is the paper you first referred to published in Brighton?

Mr. *Cundy.* Yes.

Mr. *Wynn.* Did you ever say, that the majority in the Committee was procured by bribery?

Mr. *Cundy.* I certainly never said so.

Ordered to withdraw.

Sir *C. Burrell* said, that if it were the pleasure of the House, the agents for the Bill were in attendance, and were ready to be examined. He was anxious to have the matter investigated in justice to himself. The absence of the hon. Member for Wiltshire unfortunately prevented him from availing himself of his testimony, but he had a letter from the hon. Member on the subject, which, as he himself was absent, he should move be now read.

The letter of Mr. Benett to Sir C. Burrell, dated July 8th, was then read at the table by the clerk, and was to this effect:—

"Mr. Cundy called on Mr. Benett to request that he would attend the debate, which was expected to ensue upon the recommittal of the London and Brighton Railway Bill. Mr. Cundy said, that the majority in the Committee was obtained by unfair means. Mr. Cundy stated, that Sir C. Burrell was at first hostile to Stephenson's line, but that he was in favour of it now, as he was to get 15,000*l.* for land which was not worth 2,000*l.* Mr. Cundy said, that the same means were adopted to gain the support of other Members of the Committee, and that one was to have 20,000*l.*, and another 8,000*l.* for compensation. The writer concluded by stating, that Sir C. Burrell was at liberty to show the letter to any of his friends."

Captain *Pechell* remarked, that something had come out of this inquiry, which the House was bound to follow up. There was no doubt that the decision of the London and Brighton Railway Committee had given great dissatisfaction to the public, and it was not surprising that reports should circulate to the disadvantage of the Members who sat on that Committee. He had himself been accused of being actuated by personal motives with reference to his conduct on the Thames and Medway Navigation Bill, and he had been charged with being influenced by his own interests, for bringing in the Bill relating to the tithes on turnips last session; but he disregarded such attacks. Every one must do the hon. Baronet (Sir. C. Burrell) the justice to believe, that he had been actuated while on the committee by the most pure, the most impartial motives. It appeared to him that what Mr. Cundy had stated in a mere conversation, had been stated by the newspapers on both sides of the question; and it should be remembered, in coming to a decision upon this question, that Mr. Cundy had suffered a bitter and most severe disappointment. The hon. Member opposite seemed to say, that that had nothing to do with the present question, but he maintained it had, for Mr. Cundy had the mortification to see his plan rejected, and adopted in other shape by Mr. Stephenson, whose line was supported by the hon. Baronet. Mr. Cundy evidently meant to speak of the landowners on the line, and not the Members of that House, and he did not impute corrupt motives to any one.

Sir *C. Burrell*, with reference to his alleged support of Mr. Cundy's line, said, that it had been represented to him by Mr. Cundy, that his line had the good wishes of Lord Egremont, and that he was supported by the Duke of Norfolk and Lord Surrey. But Lord Egremont told him in a letter not to attend to what Mr. Cundy said about his (Lord Egremont's) support of his line, as there was not a word of truth in it; and Lord Surrey said, with respect to his promise to support Mr. Cundy, that it was totally false, and that he would oppose him to the utmost. After these two falsehoods, he (Sir C. Burrell) determined to have nothing more to do with him.

Sir *Robert Peel* would submit to the House, that it would establish an inconvenient precedent if this matter were to be pursued further, unless some specific charge were made, as it would lead to the establishment of an inquisition into private life. The original charge brought against his hon. friend, the hon. Baronet was a charge of corrupt motives, and this charge was brought under the notice of the hon. Baronet in a manner that it was difficult to overlook. Mr. Cundy had therefore been called to the bar of the House, and he declared that he had not charged Sir C. Burrell with corrupt conduct; he submitted, then, that the House ought not to carry the matter further. A specific complaint had been made, and a specific answer had been given.

Lord *John Russell* entirely agreed with what had been said by the right hon. Gentleman, respecting the propriety of not prosecuting this matter. He must say, that after the letter which had reached the hon. Baronet from the hon. Member for Wiltshire, he was in a manner bound to ascertain whether the party who was understood to have made the charge did make it. The examination of that person did away altogether with anything like an imputation on the hon. Baronet, and therefore he thought that the matter should not be carried any further.

Mr. *Williams Wynn* suggested, that it would be convenient if the House could direct that the hon. Member for Wiltshire should attend in his place, and confirm the statement which he had made by letter. The examination of the witness, however, proved that any statement which had been made to the prejudice of the hon. Member's character was totally unfounded. He should be sorry if the House was to proceed to punish any one without the personal attendance of the person on whose evidence he was to be convicted, and as the hon. Member for Wiltshire was not present, and there was no one who could stand forward to prove the charges made, he thought it better that the matter should not be pressed. If the charges had been persisted in, it would have been the duty of the House to probe the matter; but as it was, he did not know that it had been presented in any tangible shape, from which they could examine into the truth or falsehood of the charges.

Mr. *Hardy* observed, that there was one Member to whom the House had not done complete justice, and that was a Member for whom they all felt great respect—the hon. Member for Wiltshire. In the letter written by the hon. Member it was stated that, in the course of a conversation which took place between himself and Mr. Cundy, he was asked to attend at the debate, which was expected to take place on the recommittal of the Bill, Mr. Cundy assigning as a reason for making that request, that his line had not been fairly dealt with, and that a large sum of money had been paid to the landowners on the line for their lands as a consideration for their votes. The House would therefore not do justice to the hon. Member till his letter had been read to Mr. Cundy, and he had been asked whether he had made such a statement. Mr. Cundy had been asked what he said to Mr. Benett, but he had never been asked whether that precise conversation had taken place or not.

Sir *Thomas Troubridge* said, that not only the hon. Baronet, but other Members of the Committee, had been accused of corrupt motives, and justice would not be done unless the letter was read to Mr. Cundy, and he was asked whether he had said so or not. The hon. Member then moved that Mr. Cundy be called in, and that the letter of the hon. Member for Wiltshire be read to him.

Lord *J. Russell,* after what he had before stated, felt it necessary to meet that motion by an amendment, "that the order of the day be read."

Mr. *Goring* remarked, that the opinion of the Committee was only formed by the engineering evidence, and it was not till they felt that Stephenson's line was the best that they decided in favour of it.

Sir *Edward Knatchbull* expressed a hope that the House would take the same view of the question as had been taken by the noble Lord. The question was, what was the object of this proceeding? The answer was easy—the vindication of his character bya Member of that House. If any man doubted whether his character had been sufficiently vindicated, then he would say go on; but if there was no doubt, then let the House proceed with the other orders of the day. It might be argued that a small portion of time would be consumed in reading the letter, but who would believe that only a small portion of time would be spent in the debate which might follow?

Mr. *Robinson* said, that the House must either believe or disbelieve the statement of the hon. Member for Wiltshire. Mr. Cundy denied that the conversation which the hon. Member for Wiltshire stated to have been held between them did take place, and therefore, if the House exculpated Mr. Cundy, it must inculpate Mr. Benett. Knowing, then, as he did, the unquestionable veracity and integrity of his hon. Friend, he was certainly disposed to prefer his statement; but if the business was to stop where it was, the hon. Member for Wiltshire would be left in a situation unpleasant to his friends.

Mr. *Wakley* observed, that an individual had been brought to the bar as an accused party, and he had not heard the indictment which was prepared. He had not been asked whether the statement in the letter was true or not true. The matter had better be deferred till the hon. Member for Wiltshire was able to attend in his place, and then Mr. Cundy having been asked whether he had made those statements, might be, if necessary, again summoned to the bar. He did hope, then, that the noble Lord would withdraw his amendment to the motion that had been made.

Lord *J. Russell* said, that if the hon. Member had asked him a question, he must say that the letter of the hon. Member for Wiltshire had put the charge in a distinct and specific form. He had not the smallest doubt that the hon. Member believed those statements to be correct, and supposing that to be the case, the witness at the bar, in his examination, had retracted what he had said. If, on the other hand, the hon. member for Wiltshire had fallen into a mistake, then the witness was exculpated, and it would not be necessary to proceed further.

Mr. *A. Trevor* said, that the witness had not given a single straight forward answer to any question that had been put to him.

Viscount *Castlereagh* observed, that further inquiry was, in his judgment, necessary; and if it should be found that Mr. Cundy had stated that which was false, he ought to be again called to the bar and at least reprimanded.

Mr. *Maclean* thought, that at all events Mr. Cundy should be called back, and be allowed an opportunity of answering the specific terms of the letter of the hon. member for Wiltshire which had just been read to the House.

Sir *George Strickland* remarked, that from the examination which had already taken place, it appeared that Mr. Cundy had spoken merely from common report, and had brought no specific charge against any hon. Member of the Committee. He thought, that if hon. Members exhibited any degree of soreness at the imputation, the effect would be to strengthen a feeling already existing in the public mind, that hon. Members were actually remunerated for their services on committees of this kind.

The *Attorney-General* thought, that no benefit could be derived to the hon. Baronet the Member for Shoreham, by again calling Mr. Cundy to the bar; neither could the House receive any satisfaction from that course. It would be much better to take no further notice of the matter.

Mr. *Hardy* said, that as Mr. Cundy had not yet been informed of the contents of the letter of the hon. Member for South

Wiltshire, he ought to be recalled for the purpose of hearing and answering its statements.

Lord *G. Lennox* was also desirous that Mr. Cundy should be recalled, if for no other reason than that the letter had been read since the examination at the bar of that gentleman; and further, that the letter inculpated Mr. Cundy, with respect to charges made by him against two Members of the Committee, other than the hon. Baronet the Member for Shoreham. He, as a member of the Committee, was desirous that the two individuals alluded to should, if possible, be pointed out.

Viscount *Castlereagh* rose to order. The noble Lord opposite was not speaking to the question immediately before the House, a question which involved the honour of one of its Members. Mr. Cundy, when examined, had denied that he had solicited the attendance of hon. Members on railway Committees, whereas the hon. Member for Wiltshire, in his letter, distinctly stated that Mr. Cundy waited upon him for that purpose.

The House divided on the motion, that Mr. Cundy be again called in: Ayes 56; Noes 114—Majority 58.

List of the AYES.

Alsager, Captain
Arbuthnott, hon. H.
Ashley, Lord
Boldero, H. G.
Borthwick, P.
Brownrigg, S.
Burrell, Sir C.
Canning, rt. hon. Sir S.
Castlereagh, Lord Visc.
Chapman, A.
Childers, J. W.
Chisholm, A. W.
Clive, Lord Visc.
Corbett, T. G.
Darlington, Earl of
Denison, W. J.
Duncombe, hon. W.
Elley, Sir J.
Forester, hon. G.
Forster, C. S.
Gaskell, J. Milnes
Gordon, hon. W.
Greisley, Sir R.
Hamilton, Lord C.
Harvey, D. W.
Hay, Sir J.
Hope, H. T.
Knightley, Sir C.
Langton, W. G.
Lennox, Lord G.
Lennox, Lord A.
Lowther, hon. Col.
Lowther, Lord Visc.
Lowther, J. H.
Mackenzie, S.
Maunsell, T. P.
Miles, W.
North, F.
Palmer, G.
Parker, M.
Parker, J.
Penruddocke, J. H.
Robinson, G. R.
Ross, C.
Rushbrooke, Colonel
Sanford, E. A.
Sheppard, T.
Stormont, Lord Visc.
Surrey, Earl of
Troubridge, Sir E. T.
Vere, Sir C. B.
Vesey, hon. T.
Wakley, T.
Wynn, rt. hon. C. W.
Yorke, E. T.

TELLERS.
Mr. Hardy
Mr. A. Trevor

List of the NOES.

Angerstein, J.
Bagshaw, J.
Baines, E.
Baring, F.
Baring, W. B.
Barnard, E. G.
Barclay, D.
Barclay, C.
Beauclerk, M.
Beckett, rt. hon. Sir J.
Bentinck, Lord W.
Berkeley, hon. Craven
Bernal, R.
Biddulph, R.
Blamire, W.
Brady, D. C.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Bruce, Lord E.
Buller, C.
Buller, Sir J. Y.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Captain
Churchill, Lord C.
Clerk, Sir G.
Clive, E. B.
Codrington, C. W.
Codrington, Sir E.
Cookes, T. H.
Cowper, hon. W. F.
Crawford, W.
Curteis, H. B.
Curteis, E. B.
Dalbiac, Sir C.
Donkin, Sir R.
Duncombe, T.
Eastnor, Lord Visc.
Ewart, W.
Ferguson, Sir R.
Ferguson, R.
Fergusson, rt. hon. R. C.
Fitzroy, Lord C.
French, F.
Gore, O.
Goring, H. D.
Goulburn, rt. hon. H.
Grey, Sir G.
Harland, W. C.
Hawkes, T.
Hawkins, J. H.
Heathcoat, J.
Hindley, C.
Horsman, E.
Humphery, J.
Hurst, R. H.
Hutt, W.
Inglis, Sir R. H.
Kemp, T. R.
Knatchbull, rt hon. Sir E
Knox, hon. J. J.
Labouchere, rt. hon. H.
Leader, J. T.
Lefevre, C. S.
Lincoln, Earl of
Loch, J.
M'Namara, Major
Maule, hon. F.
Nagle, Sir R.
O'Connell, M. J.
O'Connell, M.
O'Loghlin, M.
Parnell, rt. hon. Sir H.
Parrott, J.
Pattison, J.
Pechell, Capt.
Pendarves, E. W. W.
Ponsonby, hon. W.
Potter, Richard
Poulter, J. S.
Power, J.
Price, Sir R.
Price, R.
Pringle, A.
Pryme, G.
Reid, Sir J. R.
Rice, right hon. T. S.
Robarts, A. W.
Russell, Lord J.
Ruthven, E.
Seymour, Lord
Smith, R. V.
Somerset, Lord E.
Stanley, E. J.
Steuart, R.
Strickland, Sir G.
Strutt, E.
Stuart, V.
Thomson, rt. hon. C. P.
Tyrrell, Sir J. T.
Wall, C. B.
Wallace, R.
Walter, J.
Warburton, H.
Westenra, hon. H. R.
Williams, Robert
Wilmot, Sir J. E.
Wrightson, W. B.
Young, G. F.

TELLERS.
Mr. Baring
Sir A. L. Hay

SOAP DUTIES.] Sir *C. Knightley* wished to know from the right hon. the Chancellor of the Exchequer whether, from the great increase to the revenue, which he seemed to anticipate from the reduction of the newspaper stamps, he was prepared to take off the duty on soap?

The *Chancellor of the Exchequer* said, that on the grounds he had stated on a former occasion, he was not at present prepared to propose any reduction of the duty on soap. He was not satisfied that any alteration of the present duties would be productive of benefit. It was, however, his intention, during the recess, to give his best attention to the subject, with a view to such alterations as might benefit the dealers and consumers without affecting the revenue.

NEWSPAPER COPYRIGHT.] Sir *R. Inglis* said, that before the House resolved itself into Committee on the Stamp Duties Bill, he was anxious to inquire from the right hon. the Chancellor of the Exchequer, whether it was his intention to propose any clause in that Bill to secure the copyright to the existing London journals of their articles of intelligence, of reports of the debates in Parliament, and of their leading articles. His right hon. Friend, the Chancellor of the Exchequer, had, on a former occasion, expressed his readiness to receive any suggestion in this respect which might be made, but he (Sir R. Inglis) was wholly unprepared with any proposition. He had not communicated with any person connected with the periodical press on this subject, but on general principles he thought some security should be given to talent and capital in this respect. He therefore begged to inquire from his right hon. Friend, whether he had framed any clause having for its object the protection, in the respect he had stated, to the talents and enterprise of the periodical press of the metropolis?

The *Chancellor of the Exchequer* had not only given the subject to which the hon. Baronet had referred his fullest and most anxious consideration, but he had actually received the draft of a distinct and separate Bill, with a view to that object, from the editors of the London journals themselves. On receiving that draft, he had placed it in the hands of his hon. and learned Friends, the law-officers of the Crown, in order to ascertain from them whether or not it was calculated to effect the object the Bill itself professed to have in view. The result of that reference he had communicated to the London press generally, but to the two letters he had written on the subject, he had not received any answer. It would have been most gratifying to him to have been enabled to propose a plan to secure to the parties the full benefit of the talent and capital so employed, but the plan suggested, and referred to the law-officers, was so imperfect, that it was impossible to propose it to the House.

Subject dropped.

The Order of the Day for the House to resolve itself into Committee on the Stamp Duties Bill having been read,

FACTORIES.] Lord *Ashley* moved for a return of a copy of the regulations lately issued by Mr. Leonard Horner, Inspector of Factories. In doing so, he begged to ask his noble Friend opposite, whether it was intended to include in the twelve hours per week allotted to children employed in factories for the purposes of education, the time they attended Sunday schools. Some explanation was necessary, as there was a complete variance in this respect, between the terms of the regulations which had been issued, and the provisions of the Factories Bill. He begged also to inquire whether it was the intention of the noble Lord to increase the number of inspectors, for it was impossible for the most zealous officer to perform all the duties of the districts as at present arranged. Without an increase to the number of inspectors, the Act would be considerably evaded; and rather than that should be the case, he was sure the House would support the noble Lord in any proposition for an addition to the number of inspectors, through whose means the provisions of the Bill might be fully and efficiently brought into operation.

Lord *John Russell* said, that with regard to the first question put to him by the noble Lord opposite, the regulations issued by an inspector, originated with that inspector, who was of course responsible to the Home-office; and with respect to the regulations issued by Mr. Horner, he (Lord J. Russell) did not see that they could lead to any misunderstanding; and further, that they did not contain anything contrary to the provisions of the Act. With regard to an increase in the number of inspectors, he must say, it might be necessary either to do so, or to give to the superintendents powers which at present they did not possess. It was a subject to which he should give his best and most anxious attention.

Lord *Ashley* said, that the regulations included attendance in schools on Sundays, whereas the Act contemplated the attendance in schools to be twelve hours per week of six days, excluding the seventh, which he hoped to see left to them as a day of rest, without it being compulsory on the children on that day to attend schools.

Mr. *Hindley* suggested to the noble Lord opposite (Lord Ashley), the propriety of including in his motion a return of all the regulations issued by the various factory inspectors throughout the kingdom, and with that view, to withdraw his motion, and give notice of it in an amended form.

Motion withdrawn.

BREACH OF PRIVILEGE.] Mr. *Miles* was sorry to interfere, or to interrupt the business of the House, but in reference to the vote to which it had just now come, he felt himself bound to offer an observation. By that vote, he considered that the honour of an individual, a Member of the House, and well known and esteemed by him, had been called in question, and he thought it necessary that that hon. Member should be ordered to attend in his place, and meet the denial of Mr. Cundy face to face. The House had proceeded on the letter of the hon. Member for Wiltshire, and though the contents of that letter had not been directly put to Mr. Cundy, yet its substance had been stated to that Gentleman, who had denied its accuracy, and the House had acted on the contradiction thus given to that which was gravely asserted by the hon. Member for Wiltshire, in the letter which had been read to the House. [*cries of* "*No.*"] He was glad to hear the cry of "No," but feeling deeply for his Friend, the hon. Member for Wiltshire, he thought it necessary for his justification, that the parties should be brought face to face, and he therefore should move, that Mr. Benett be ordered to attend in his place on Friday next, and that Mr. Cundy be ordered to attend the House on the same day.

The *Chancellor of the Exchequer* submitted to the hon. Gentleman who had just sat down, that if the course he proposed was taken, it would imply a charge against the hon. Member for Wiltshire, which he was called upon to answer. He (Mr. Rice) was an old and attached friend to the hon. Member for Wiltshire, and nothing was further from his intention than to impute, by the vote he had given, the slightest blame, or to cast the least stigma upon the character of his hon. Friend. He (Mr. Rice) entreated the hon. Gentlemen opposite, to look at the effect of his motion. It would give, if carried, currency and sanction to that which did not exist in the mind of any Member of the House—viz., that the hon. Member had some charge to answer. Nothing, he was sure, could be further from the intentions of both sides of the House, than to convey such an implication; and he was satisfied no course could be pursued more entirely contrary to the views and feelings of the House than that proposed.

Sir *Charles Burrell* was sure, that if the statement of the hon. Member for Wiltshire had been in the slightest degree contradicted, that hon. Member would not fail to vindicate his character. He trusted, however, that the hon. Member (Mr. Miles) would not persevere in pressing his motion, as he had that morning received a letter from the hon. Member for Wiltshire, stating his inability to attend in the House, in consequence of ill health.

Dr. *Bowring* said, the motion might be taken, most unjustly, to imply a doubt, on the part of the House, of the correctness of the hon. Member for Wiltshire's statement. He therefore hoped that the motion would be withdrawn.

Mr. *Miles* said, that he considered the character of the hon. Member for Wiltshire to be perfectly vindicated by the feeling which had been generally evinced by the House, and he should not, consequently, pursue the matter further.

STAMP DUTIES.] On the motion of the Chancellor of the Exchequer, the House then resolved itself into Committee on the Stamp Duties Bill.

The *Chancellor of the Exchequer* said, that before the Committee proceeded to the consideration of the clauses of this Bill, he thought it necessary to state to them in general terms the alterations which he proposed to make in the measure since it had been last under discussion. These alterations would, he thought, meet the objections which had formerly been urged by hon. Members on the last discussion in behalf of a very respectable class of persons; he meant the printers of the metropolis. The hon. Member for Chester (Mr. Jervis) had objected to the 180th Clause, the object of which was to impose on printers an obligation and liability with respect to the advertisement duty. It had been stated on that occasion (and stated with considerable force), that to subject the printer for arrear of advertisement duty, of which, in all probability, he was not cognisant, to have his goods and chattels seized, and all goods found on the premises, was unjust and hard towards him. He had always stated, that it was necessity alone which made him have recourse to that or any other step of a restrictive nature; and he was rejoiced to find, on communication with the Stamp-office, that by taking more precaution with respect to the security given for the collection of the advertisement duty, he should be enabled to free the printer altogether from the application of this clause. Therefore his first duty was, to move that Clause 180 be omitted. It might, perhaps, be convenient that he should proceed a little further, in stating to the Committee the other alterations which he meant to propose. In the first instance, he wished to express his determination of adhering to the resolution which he had originally formed of not imposing any obligation which was not absolutely necessary, but at the same time not to leave himself powerless with regard to the collection of the revenue. With respect to the word "pamphlet," inserted in one of the clauses, it was objected to it that such publications would thereby be brought under the terms of this Act as were not at present subject to the newspaper duty. He meant to omit that word altogether; but in order to guard against abuses (which on a former occasion he had stated as his only object in introducing the word), it was his intention to introduce a general clause for the purpose of preventing any paper liable to a stamp escaping free of duty by being put into a pamphlet shape. Now with respect to the stringent clauses giving immediate power against those who violated the laws, it was urged in objection to them as they originally stood," These clauses will subject parties to penalties without their knowing that they are liable to them. We (continued the printers) are perfectly satisfied with and entirely acquiesce in your design of taking all necessary steps for the collection of the revenue, provided you do not entail upon us risk and inconvenience, and loss of character, and forfeiture of property, if inadvertently and without notice we commit a violation of the law." He thought he might as well, as so much doubt had lately been expressed with respect to the quarter from which he received information, and on what suggestions he had acted, at once give the names of the four gentlemen who waited upon him with reference to this question on the part of the printers. They were Mr. Woodfall, Mr. Richard Taylor, Mr. M'Clure, and Mr. Alexander Mackay. After some communications he received from them certain propositions which appeared to them the most desirable to have adopted. He told them that without communicating with the Stamp-office department, and his hon. Friend, the Attorney-General, to submit them to the one, in order to see that these suggestions were not likely to cause any loss to the revenue; and to the other, to ascertain whether they were practicable, he could give them no distinct answer. On that day he had seen them again; he had gone through the new clauses with them, and they were convinced that these clauses (233 and 234) were unexceptionable. These clauses, then, would run in the following manner:—All printers would be not required, but permitted, to register their names at the Stamp-office, to state their place of abode, and where the business of the journals or newspapers which they printed were carried on; and when they undertook the printing of any new journal, to state the name of that new journal. In the event of this class of printers printing any new journal without a stamp, they would not be subject to a penalty until they received notice, by which it was announced that the paper which they printed was not stamped; and that if they did not discontinue it, they would subject themselves to the penalties of the Act. Also, with respect to the stamped press, it was provided, in order to guard against another inconvenience which this regulation might cause, that if any of those printers of registered papers has one hundred papers with the stamp impression sent to him to print, and one thousand without it, and that he prints them, he thereby commits an evasion and violation of the Act, and must abide the consequences. For he held it to be clear, that the receipt of such papers as were without the impression with directions to have them printed was in itself equivalent to the notice which, in the case of a registered printer printing an unstamped paper, the Stamp-office was bound to send him. These alterations met the objections which were urged on a former night; they answered the views of the printers, who were the parties principally affected by these clauses; and the only parties subject to the penalties of the Act without notice were those who refused to register their names, and who could not complain of having no notice of their violation of the law served upon them, since they did not afford any means of doing so. Observations had also been made on the definitions given in the schedule of the Bill as to the publications which should be liable to stamp duty. Now, he had already distinctly stated, that there should be no publication brought within the schedule which was not now subject to stamp duty. But in order to prevent any possible disadvantage, he was prepared to continue any exception which now existed in express terms. Now, with these alterations, hon. Gentlemen would see, that whilst they had not abandoned one iota that was necessary for the security of the revenue, they had taken every possible means to screen the parties from all just cause of complaint. There had been objections urged on a former occasion to Joint-Stock Companies, or large Newspaper Companies, the proprietors of which were unknown; and it was suggested that a registration of the names of the proprietors might be very expedient. He believed that the hon. Member for Liskeard (Mr. C. Buller), who spoke upon this question, was not then prepared with any motion upon this subject; all he could say was, that he did not think a registration of the proprietors absolutely necessary for the protection of the revenue, but he certainly considered it part of that salutary system of restraint by which responsibility was imposed on all parties connected with newspapers. On the question of the separate die for each newspaper he wished to reserve himself until the clause which referred to it should arise; but he deemed it necessary to give the general explanations which he had done, before the clauses which occasioned them were brought under discussion. The right hon. Gentleman concluded by moving that Clause 180 be struck out.

Mr. *Wakley* expressed his gratification at finding that the clause before the Committee was to be omitted, and that the word "pamphlet" was to be expunged from the Bill. He observed that the right hon. Gentleman had, in a conversation which took place on a former occasion, promised that the 60th Geo. 3rd, c. 9, should be repealed; the repeal of that Act would remove a great many difficulties, and, doubtless, the right hon. Gentleman would not be forgetful of his promise. It was essential that persons should know distinctly what a newspaper was, in order that when publishing a history they might not be liable to the consequences which attached to the printing of a newspaper. He hoped that the Session would not pass without a Copyright Bill being brought into that House and carried through it. The question of such a measure was a very important one; the property of individuals to an enormous amount was involved in it, and those individuals sought a protection which that House ought unhesitatingly to grant. The extent of their property was vast; their skill and industry greater almost than was applied to any other business; and yet no men were more exposed to plunder than newspaper proprietors. At the same time he must say, that they were in the habit of plundering each other; it was not the unstamped press which committed depredations on the stamped press; it was the stamped press which committed depredations on itself.

Mr. *Goulburn* wished to ask his right hon. Friend how they were to come at those printers who had not their names registered at the Stamp-office, and who might be engaged in printing unstamped publications?

The *Chancellor of the Exchequer* replied, that they must proceed against them as well as they could; just in the same way as when information was received of the existence of an illicit still.

Mr. *C. Buller* trusted, that some measure would be passed for preventing the news contained in such papers as *The Times* and *Morning Chronicle* from being transferred, in a few hours after the publication of these papers, to other prints.

Mr. *Wakley* observed, with respect to what had been said by the hon. Member for Cambridge, that the printing presses were now liable to be seized if they were not registered, so that by leaving the law as it stood, the difficulty which the hon. Member apprehended would be obviated.

Clause struck out.

The Chancellor of the Exchequer then proposed Clause 233.

Mr. *Hume* admitted that the Bill had received considerable modification; but it was evident that it took a long time to wring any thing from the Excise. For his part, he wished to see the Excise abolished altogether. He was persuaded it might be most advantageously dispensed with. He was exceedingly sorry to see the House shutting the door against a free press; for it was evident that the object of the Bill was to put down an unstamped press. For a paltry penny tax the reign of ignorance was to be maintained throughout the land. In the unparalleled situation in which we were, the revenue in so flourishing a condition, the time of the House was wasted for a very paltry consideration. If Government were to get rid of all the stamp duties they would do much good, and would obtain more credit than almost by any other act.

Mr. *Grote* cordially concurred in all that had fallen from the hon. Member for Middlesex. He entertained more repugnant feelings towards the present Bill, than almost to any measure which had ever come under his consideration; and he trusted the time would soon arrive when the right hon. the Chancellor of the Exchequer would propose the abolition of the penny duty, and thereby remove every obstacle to the diffusion of knowledge throughout the country.

The clause was agreed to.

The remaining clauses of the Bill were agreed to.

The *Chancellor of the Exchequer*, in pursuance of an intention previously intimated, brought up a new clause to enable printers to register their names and presses, and thereby more effectually to guard themselves against the penalties imposed on the publication of unstamped papers.

Clause agreed to.

The *Chancellor of the Exchequer* had another clause, with respect to which he felt it necessary to say a word or two in explanation. Many representations had been made to him to induce him to reduce the stamp on newspapers published in Ireland from one penny to one halfpenny, but several reasons had led him to resist the applications. He was bound, however, to admit that there was something in the strong and serious remonstrances made to him by the Irish newspaper proprietors, and he had stated to the parties who applied to him that he would make some concession to the Irish newspapers in the advertisement duty. The House was well aware that the duty at present imposed upon newspapers in Ireland was two-pence, upon which a discount was allowed of twenty-five per cent. If, therefore, the duty were now reduced to one penny, and the discount not continued, the actual reduction afforded to the Irish newspapers would be only three farthings. Now three farthings was not an amount that the publishers could charge upon the price of their paper, and it would consequently happen that whilst they received only the advantage of three farthings in the reduction of the duty, they would be obliged to give an advantage of one penny in the price charged to their purchasers. By this means they would be losers to the extent of one farthing upon each paper. By way of compensation for this disadvantage, he had proposed, in the first instance, to strike off half the advertisement duty in Ireland; but having been subsequently in communication with some of the gentlemen representing the Irish newspapers, and especially with two of them who were attached to very opposite political principles, and having been informed by them that the continuance of a discount of twenty-five per cent. upon the penny stamp would be infinitely more advantageous (whilst the sacrifice to the revenue would certainly not be greater) than the reduction of half the duty upon advertisements, he felt disposed to yield to their wishes, and accordingly now proposed to add a clause to the Bill, by which a discount of twenty-five per cent. should be allowed upon the stamps issued to papers in Ireland. He meant, however, to make no change in the advertisement duty.

Mr. *Hume* hoped the right hon. Gentleman would reconsider his arrangement, and not establish such an inequality of duties as he contemplated throughout the three kingdoms. He would rather see the whole duty abolished altogether, than sanction such higgling about a penny for England and Scotland, and three farthings for Ireland. He wished to know why the Chancellor of the Exchequer tolerated the idea of such partial and unequal legislation for one part of the United Kingdom?

The *Chancellor of the Exchequer* stated, that in the remission of duty in England and Scotland, there was a positive and absolute advantage given both to the public and the proprietary. Here both would be gainers; but in Ireland the case would be otherwise, and while the public would gain a penny, the proprietors would lose a farthing. He felt quite as much as the hon. Member the consistency and convenience of establishing equal laws for the three kingdoms, but he felt it more imperative (looking to the state of the existing laws) to do equal justice to those whose property would be affected by those laws. He had, therefore, in retaining the penny stamp for Ireland, determined on allowing the twenty-five per cent., as, without doing so, he felt he would be committing a great injury, and inflicting a serious wrong on the Irish proprietors. But he did not make this arrangement for the sole advantage of the proprietors; he wished to obtain for the Irish public the same advantage that he secured for the English, and by the plan now before them the entire reading public would be put on the same footing, and be enabled to obtain the same benefit from the reduction.

Mr. *Pryme* could not see why there should be less duty paid in Ireland than in England, or why the Chancellor of the Exchequer should now fix on a less duty for Ireland than the one originally proposed. The proposal was entirely his own, yet the right hon. Gentleman had the inconsistency to alter it, and disarrange the equality of the plan of revenue which they were prepared to agree to, as intended to operate alike on all parts of the kingdom. He called on the House not to sanction a scheme which went to extend an indulgence to Ireland that was not also granted to the press and the public of England and Scotland.

Mr. *George F. Young* agreed with the hon. Member for Cambridge. He thought these boons and concessions were very unjust and unstatesmanlike. If they went further in their partial legislation and indulgence to Ireland, it would soon be necessary to raise the cry of "Justice to England." He called on the Chancellor of the Exchequer to assimilate the duties on stamps in every part of the country, if he wished to satisfy the people, and do justice to the press of the empire.

Mr. *Robinson* confessed he could not see the reason of the arrangement. He thought the Chancellor ought to make the duties equal everywhere, and allow the proprietors in Ireland to get what they could from their customers. The House, in framing equal laws, had nothing to do with the results, and need not enter into the subject of proprietors' profits, or interfere in the private bargains which the parties might be inclined to make, and which would of course be determined by the value of the article.

The *Chancellor of the Exchequer* said, that the Irish papers were peculiarly circumstanced, and could not be compared to the English as to their capability of bearing taxation. Their circulation was very limited, and their profits proportionally small. He wanted to make the penny duty there as productive as possible. To effect that, and make the penny reduction operative, they must enable the proprietors to make it felt by the public in the price of the paper. In England, by the reduction, they gave the public two-pence, and a farthing to the proprietor, and therefore the reduction was so far a benefit to both parties; but to give the Irish public the same penny advantage, the proprietor must be a farthing the worse; so that the arrangement he now submitted was necessary to restore the balance, and secure justice to all parties.

Mr. *Robinson* declared he would divide the House on this point, rather than sanction such an inconsistency as it involved.

Mr. *Baines* reminded the House that the irregularity in the Irish duty had prevailed before this Bill was framed, and that Irish newspapers stood more in need of consideration and protection as not being so profitable, for their purchasers were not in a situation to pay as well.

Mr. *Wyse* said, that it was not sufficient to say that the scale of taxation of the two countries must be the same in any measure applying to Great Britain and Ireland. Before the act of legislation was decided on, they should look to the ability of the latter to pay it. He quite agreed in the general principle that had been advanced by hon. Members, that it was highly unwise to establish any inequality either of civil rights or amount of imposts in different parts of the United Kingdom. But it should be recollected that this difference had already been established as respected Ireland, and it was therefore necessary for them to consider how far that country was prepared for such a change as hon. Gentlemen advocated. Now he thought that the position in which the press of Ireland stood with respect to revenue was one of the cases that especially required to be viewed with an eye to its capability to bear an equality of taxation. In instituting a comparison, they should recollect the large profits which the proprietors here were enabled to gain in consequence of the large circulation their papers have, not only in London, but through all England and Scotland, and in Ireland also. They also derived a great profit from the large number of advertisements they inserted in the ordinary routine of publication of the wants of a wealthy population. Hon. Gentlemen seemed to take it for granted that the Irish newspapers had the same circulation in Ireland that the English newspapers had in England, and ought to afford a similar remuneration. The fact was quite the reverse. The majority of Irish newspapers had a very trifling circulation even in Ireland, and none out of it; and, with the exception of *Saunders's News Letter*, there was scarcely a newspaper in Ireland which had an amount of advertisements that could be compared to what an English paper presented. He would, therefore, support the proposition of the Chancellor of the Exchequer.

Mr. *Wakley* said, that by this scheme there would be a four-farthing tax upon papers in England and only a three-farthing tax upon papers in Ireland. Why should there not be a perfect equality between the two? For his part, however, he would not entreat the right hon. Gentleman (the Chancellor of the Exchequer) to withdraw this proposition with respect to the stamp in Ireland; on the contrary, he would request him to adhere stanchly to it, trusting that that House would relieve him from any further difficulty upon that point by compelling him to adopt the same course with respect to England.

Alderman *Thompson* objected altogether to discriminating duties, and must therefore vote against the clause.

Clause read a first time.

On the question that it be read a second time, the Committee divided Ayes 89; Noes 52: Majority 37.

Mr. *Robinson* moved, that the word "Ireland" be excluded, to equalise the duty in both parts of the empire.

Mr. *Grote* said, that he had given his previous vote under a misconception. His strong conviction was, that the amount of duty ought to be the same in both countries. He would have had a lower rate of duty in each, but as he could not obtain it, he would vote for a higher in both.

Mr. *Wakley* trusted, if he could not obtain an additional benefit for England, he should not act so illiberally as to refuse it to Ireland; but he was prepared to contend, that if the rate of duty were not the same both in England and Ireland, a gross injustice would be committed against the provincial newspapers of England.

The *Chancellor of the Exchequer* reminded the House of the circumstances under which he had originally proposed the penny duty, and denied that he could fairly be accused of any departure from the principle he then stated. He would only say, that he should gain considerably by this small duty in Ireland, and that if the duty were equalised he should lose from 60,000*l*. to 70,000*l*. a year. The concession sought for was a concession of revenue, which he, on behalf of the Government was not prepared to make.

Mr. *Goulburn*, considered, that aftert he House had sanctioned the right hon. Gentleman's proposition for a penny duty in all parts of the empire, he should be merely acting in furtherance of his original proposal by voting for the amendment.

Mr. *Robinson* said, that if the right hon. Gentleman found himself in difficulty in consequence of losing the support of some of his friends, who would have supported a general penny duty, it would only be because he had been the very first to depart from his original plan.

Mr. *Francis Baring* said, that hon. Members seemed to forget that when his right hon. Friend, the Chancellor of the Exchequer, opened this question to the House originally; he stated that he intended to give some relief to Ireland beyond lowering the duty to one penny, and that was intended to be a reduction of the duty on advertisements. The Committee would do well, therefore, not to reject the proposition of his right hon. Friend. The Committee should not overlook the fact that if the duty were the same in both countries, the Irish papers would be open to an immence competition with those in England, and therefore a less duty should be taken from the Irish papers than from the English.

Mr. *Arthur Trevor* considered, that the reduction of the duty, so far from being any relief to the community, would be the means of scattering abroad a large mass of nuisance, and a large mass of mischief. If this mischief were to be done, however, let it be done fairly and aboveboard, and let them deal equally with both countries. No man in the House was more strongly opposed to the principle of the reduction than himself; but if it were to be made, he would have it made equally.

Mr. *Blackstone* protested against the Irish people, who were taxed to a far less amount than the English, deriving any greater pecuniary relief, if it were only to the extent of a farthing.

The Committee divided on the amendment;—Ayes 61, Noes 106: Majority 45.

The Committee again divided on the Clause, Ayes 104, Noes 79: Majority 25.

Mr. *Grote* then rose to propose the insertion of the following clause:—" And be it enacted, that in the stamp to be affixed to each and every newspaper under the provisions of this Act, the title of such newspaper shall be expressed in such convenient manner and form as the said Commissioners of Stamps and Taxes shall appoint; and the said Commissioners shall cause a proper die or stamp for such newspaper to be prepared under their direction, and a new or other stamp or die to be from time to time prepared in like manner as they shall think necessary; and the reasonable costs and expenses of preparing such stamps or dies shall be from time to time defrayed by the proprietors of each such newspaper, and paid when and as required by the said Commissioners to such person as the said Commissioners shall appoint to receive the same, before any paper shall be stamped under the direction of such Commissioners for each such newspaper. This proposition was partially stated on a former evening when the Bill was in Committee, and it seemed to be received with some degree of favour; he, therefore, could not but hope that the right hon. Gentleman would now accede to it. He was sure that it must be a very great and paramount object with every Gentleman of that House, to have the official returns of the circulation of newspapers framed in the most accurate manner possible. He was, however, sorry to say that the returns, stating the various comparative numbers of stamps taken out by the newspapers of this country, had been anything but accurate. In the last return made to the House, it was found that there were no less than twenty newspapers which appeared never to have been supplied with stamps at all, while many others had affixed to them numbers of stamps as issued by the Stamp-office bearing a very small proportion to their known circulation. For want of accuracy in the stamp returns, several papers. *The Sherborne Journal* and *The Liverpool Mercury* for instance, had had credit for a very small circulation, whereas the number of their publications was very considerable. Now, he was sure it was not the disposition of any hon. Gentleman to give the proprietors of any newspaper the advantage of an apparent superiority in circulation, whereby they might acquire a greater degree of reputation and of priority over others than the intrinsic worth of their newspaper entitled them to. The Chancellor of the Exchequer appeared to be so far sensible of the mischief that had arisen from the present state of the law on the subject that he was content to allow any newspaper the option that thought fit to employ a die peculiar to itself. But the right hon. Gentleman must perceive that this would not be a sufficient remedy against the evil complained of; because those newspaper proprietors who were most willing to resort to the ordinary means of giving to themselves credit for a greater circulation than they in reality had, were precisely that class who would not use the optional stamp. The House, perhaps, was not aware that to a great degree the number of advertisements in a newspaper did not depend merely upon the weight or authority of the paper, but upon its circulation; and there was a strong temptation, therefore, to the proprietors, to have recourse to means by which they might appear to have a much greater circulation than they actually had. This temptation to deceive was considerably increased by the facilities afforded to the parties by the present system pursued at the Stamp-office. It was to amend that system that he now brought forward this clause, and he could not anticipate any serious ground of objection to the proposition he was about to make. It could not occasion any inconvenience to the newspaper proprietors themselves; for it could be of no more inconvenience to them to have a stamp with a peculiar title than to have it without, and as to the expense it was too trifling to be mentioned. He had never heard of any one newspaper being publicly hostile to such a plan; and in fact every fair and honest proprietor must be desirous that his neighbourhood should be relieved from the disadvantages they laboured under from the present system. He did not, therefore, anticipate any opposition from the fair and honest proprietors of newspapers. It had been stated, as an objection to his proposal, that by the present system one country newspaper could borrow stamps from another, and by that means they could publish their full complement of circulation, whereas if there was a distinct die this could not be done. Now to this argument he would in the first place observe, that country proprietors ought, surely, like all other tradesmen, to have sufficient foresight to make provision for their ordinary, or even for any extra circulation of their paper. But in the second place, this argument could be of no avail whatever, inasmuch as the right hon. Gentleman had himself, by the 173d Clause of this Bill, made it illegal for one paper to transfer stamps to another. He trusted, that his proposition which did not bear hard upon the newspaper proprietors would not meet with any opposition.

Clause brought up and read.

The *Chancellor of the Exchequer* felt bound to object to the present clause. He wished it to be distinctly understood that this clause, whilst it imposed a restraint upon the newspapers, was in no respect necessary to protect or secure the revenue of the country. He also begged to state to the Committee, that by the post of this day, a circular letter had been addressed by the Board of Stamps to all newspapers, stating, that any one who wished to have a distinctive die, indicative of their own paper, upon the paying the expense thereof, a die would be at once prepared. Therefore, the only question between his hon. Friend and himself was, whether it should be obligatory on all papers, whether they liked it or not to have a distinctive die. Now what was the argument of his hon. Friend? He said, and said truly, that the House had been accustomed, from time to time, to call for Returns of Stamps, with a view to ascertain the extent of the circulation of newspapers; and that these Returns were delusive. By reason of that delusion, these Returns gave an unfair representation of the circulation of different newspapers, and thereby enabled certain of them to deceive the public as to the extent of their circulation, which materially affected the interests of others on the subject of advertisements. He believed he had fairly stated the argument. Now he should say to his hon. Friend, that the proper way of meeting this case was, not by imposing restrictions on newspapers in order to avert the inconvenient consequences resulting from a wrong step originally taken, but by avoiding for the future to take that step which was wrong. He held it that the Legislature had no more right to inquire into the number of papers which any particular newspaper establishment circulated, than it had to inquire into the number of stamps which had been used in an attorney's office. In fact, they had no more right to inquire into the private concerns of a newspaper establishment than they had to inquire into the private concerns of any other description of business. This had always been his opinion, and he had consequently always resisted the production of these Returns. They were delusive accounts, and could not be relied on. He always contended, and would still contend, that so long as a newspaper avoided the commission of any offence or fraud on the revenue, it ought to be left fully free and unfettered as to the mode of carrying on its own business. This subject of the distinctive die had been pressed upon his attention by various persons connected with the newspaper Press, who attached very great importance to it. His answer always had been, "It might be very well for you to like a peculiar mark on your paper; you shall have it if you ask for it; but I have no right to impose upon nine-tenths of the newspaper Press, a regulation which is of no use so far as regards the revenue, and which they do not ask for though you do." He therefore left it open to all parties to avail themselves of the power of using a distinctive die or not as they pleased. But it had been asked, how he could reconcile his objection to a distinctive die with the 173rd clause, by which it was rendered penal for any newspaper to buy stamps issued to any other newspaper. He would tell his hon. Friend how this could be reconciled. The 173rd clause was a revenue clause, and was inserted in order to prevent the possibility of forging stamps or of getting stamps improperly. By this clause the Stamp-office would be enabled to trace any stamp back to the newspaper which had received it from the office. That was the sole object of the clause; and not to inquire into the business of newspaper proprietors, or of any other parties. These were the grounds upon which he objected to this clause. But there was another ground. If by passing this clause he should be compelled to make out distinctive stamps for the 250 newspapers that were published in the country, he must postpone the commencement of the Bill from the time it was now proposed to come into operation, because it would be utterly impossible to get the dies ready, and to have all the arrangements made by the period now fixed. But if the Bill should be carried in its present form, and if the use of the die (adopted optionally) should be found to answer, and no inconvenience should arise from it, then he for one should not object at a future period to propose to make that which he thought ought at first to be a free and voluntary plan obligatory upon all parties. But he was reluctant now to impose such a regulation upon the newspapers of the whole United Kingdom, when, in point of fact, only a few considered it of any importance. Another objection to the adoption of the clause was this: suppose the newspaper should change its title—a thing by no means improbable, the consequence would be that the die must be changed; and then the whole stock of stamps which that establishment might happen to have would be lost, or the stamps must be changed. This would, at all events, occasion great difficulty. The plan certainly would neither increase nor lessen the revenue; upon the question, of revenue, therefore, he could have no objection to it; but for the reasons he had stated, and as it would operate severely upon some parties, he felt bound to oppose the clause.

Mr. *Leader* said, that according to the provision of the right hon. Gentleman's Bill, it was made illegal to transfer stamps from one paper to another. Now by the adoption of this clause the right hon. Gentleman had the power entirely in his own hands; for the very best possible means to prevent stamps going from one person to another, was by requiring the use of a die by each newspaper. It would not require many days preparation. At any rate he thought there would be no difficulty in providing the stamps at the Stamp-office. If there was, then the clause might be postponed for six months before it came into operation. All the dies might surely be prepared by that time. The right hon. Gentleman had said, that the House of Commons had no right to the Returns of stamps consumed by the newspapers. But he would maintain that they had a right to those Returns. Newspapers were not merely private property. The population were so much interested in their proceedings that they had a right to know the extent of their operations. Indeed, they might almost look upon newspapers as a species of public property. Besides, how was that House, or how were the public to know, unless the Stamp-office gave a true account of the number of stamps issued by them, that the sum received for the newspaper stamps was not misappropriated or embezzled? He, therefore, could not see on what ground these Returns could be refused. He was the person who moved for these Returns, and he had since received letters from every part of the country complaining of the inaccuracy of the Returns, and accusing him for having moved for them. His answer to the parties was, that it was their own fault —it was their fault for allowing agents in London to take out stamps in other persons names for their use. They could not blame the Stamp-office, but themselves, for not taking out stamps according to law. If there was a distinctive die it would be utterly impossible for any advantage of an extensive circulation to be taken away from any newspaper. The right hon. Gentleman had said, that it was a restriction upon newspapers; but in his opinion it was no restriction at all, he therefore hoped the Committee would adopt the clause.

Dr. *Bowring* thought, that the adoption of a distinctive die should be permissive. Those who used it would obtain credit with the public for their plain-dealing, while those who did not would always be under the opprobrium that there was some motive which they dared not avow, which induced them to conceal the extent of their circulation. The right hon. Gentleman having allowed proprietors of newspapers to obtain that security which the making known to the world the full extent of their circulation by the use of a distinctive die would give them, had done all he could. Were they to call upon every newspaper to adopt a die, they would be establishing a despotism, which was quite unnecessary. Those who used the die, would have all the benefit of a contradistinction from those who did not use it. There would consequently be a motive constantly operating to induce the person who had a great circulation, to obtain a distinctive die. Those who did not apply for it, would be under the disadvantage of being supposed to shrink from that test, as to the extent of their circulation, which other persons were willing to appeal to.

Mr. *Robinson* observed, that the Chancellor of the Exchequer had looked at the question as it regarded the revenue, and next as it affected the proprietors of newspapers themselves; but he begged to observe, that there was a third party who had a great interest in this question, and that was the public at large. It was well-known, that the trading part of the community was enabled to give publicity to the different branches of the public, of the goods they had to dispose of, through the medium of advertisements, and it was also known, that the public decided from the relative extent of the circulation of the papers, as to which paper they would advertise in. The only question, then, that appeared to be at issue was, whether the public had an interest in knowing what papers were *bonâ fide* of great circulation; and if so, whether they were entitled to have Returns from the Stamp-office to give them that information. The Chancellor of the Exchequer had said, they ought not. But he would maintain, that the public ought to have some tangible means of knowing what paper was of the greatest circulation. The Chancellor of the Exchequer said, that he had gone as far as he could go, by giving the parties the option of using a distinctive die, if they pleased. But that would not effect the object desired; the proposition, therefore, was, that it should be obligatory. To this he agreed. The only objection he had heard to it was, that it would prevent the present Bill going into operation so soon as it was now proposed; but that might be obviated, by requiring the distinctive die to be adopted at a later period. He did not think the other objection, that of having a stock of stamps on hand, if the title of the paper were changed, was of any weight. Such stamps might easily be changed for others. On the whole, he thought the plan was a good one, and against which no newspaper had any right to complain. The public would, at all events, receive this advantage from it—they would obtain some tangible and official evidence as to what papers enjoyed the highest amount of circulation.

Sir *Robert Peel* did not see the force of the objection made by the Chancellor of the Exchequer to the proposition of the hon. Member for the City of London. He did not see why, consistently with the alteration they were about to make in the law, they should not go one step further, and impose on all newspapers the use of a distinctive die. There might be an objection to this in point of time, but in point of principle, he thought there could not be any; because, by the 173rd Clause it was made penal for any person to take out stamps in the name of one paper to be used by another. It was therefore required that the party should take out stamps for his own use only. It was also required that a Return should be made of the number of stamps so taken out, so that the Stamp office would always know what the extent of the circulation of each newspaper was. The question whether the number of stamps issued to each newspaper should be published or not, would remain precisely the same, whether the clause proposed were adopted or rejected. It did not follow as a necessary consequence, that if each newspaper were required to use a distinctive die, therefore the public would know how many stamps were taken out. The right hon. Gentleman might still resist the publication of the number of stamps issued, upon the ground that the principle was not a right principle. Whether the argument of the right hon. Gentleman would be a valid argument or not he would not stop to inquire. Be it as it might, the adoption of the present clause would leave the principle the same. The right hon. Gentleman had said, that under his optional clause newspapers which were of extensive circulation would take out the die, and those which did not would lie under the opprobrium of being of small circulation. But if, in point of fact, the Legislature indirectly required them to take out a die, or else subject them to public mistrust, why will you not go to the length of saying—that the law requires you should take out the die? It appeared to him to be infinitely better to take one or the other of these courses. Either to say, the newspaper proprietors should be at liberty to transfer stamps from one to the other; or to say, they should take out the die. But to say that it should be permissive was altogether delusory. Unless effectual security were taken, nothing could be accomplished. He was not aware that any objection existed to the adoption of the die. The expense would be exceedingly trifling. He thought, therefore, that to make it compulsory on newspapers to use a die, would, upon the whole, be perfectly fair. It would be the most effectual security to all parties, and it would still remain for the House at any time to determine, whether or not Returns should be made to show the actual amount of circulation of each paper. He therefore, for himself, not having heard on the part of the newspapers any objection to the taking out of the die, was rather inclined to support the proposition of the hon. Member for the city of London.

The *Chancellor of the Exchequer* had already stated, that personally he had no objection to the proposition; he only wished that it should be distinctly understood that this was not a provision for the sake of the revenue. If the proposition should be adopted, it would be proper to fix some date when the die should begin to be used.

Mr. *Grote* had no objection to an interval of time being fixed when this particular clause should come into operation.

The *Chancellor of the Exchequer:* If there be no objection to this proposition, and if my hon. Friend will reserve his clause until the bringing up the Report, I will consider the question; as I shall not myself have any objection to the proposition.

Clause postponed.

The schedules were proposed.

Mr. *Goulburn* stated, that they had now come to a part of the Bill to which he wished to call the attention of the House, because he was satisfied that, if the House considered the subject, they would agree with him in the amendment that he had to propose. The clause now under discussion proposed, in future, to limit the size of paper to be printed upon, subjected to the penny duty, to 1,530 superficial inches. As the law stood at present, there was no restriction whatever on the size of newspapers. The removal of any such restriction had been introduced into Parliament in the year 1825, by the late Mr. Huskisson. Up to that year, it was quite true there had been a restriction upon the size of newspapers. In 1825 the subject underwent discussion in Parliament, and on the representation that it was injurious to trade, and caused a loss to the revenue, Parliament thought it best to take off the restriction upon the size of the newspapers. At the present moment there was no restriction as to size. The present Bill proposed to introduce a new restriction upon the press. When he had the honour, upon a former occasion, of presenting a petition from the proprietors of newspapers, he observed that the size which appeared to be much in use would subject to an increased duty a considerable portion of the press, both morning and evening papers. Experience, too, he remarked, had proved, that since 1825 the press and the public alike had gained from leaving it to each proprietor of a newspaper to adopt that size which he thought best. Now, he considered that if Parliament thought it right to alter the law, this, at least ought to be done—to leave all the proprietors of newspapers upon an equal footing. It was not just to select such a size for all newspapers as would give to one particular newspaper the benefit of that which ought to be a general enactment. When, too, they considered what was likely to be the effect of the intended change, and what were now the expectations of the right hon. the Chancellor of the Exchequer, he trusted and believed that the House would have no reason to reject the amendment which he meant to propose. Now he could say that the real question between his right hon. Friend and himself was this—would he allow the margin in the superficial measurement of the newspaper? If his right hon. Friend would not take off the margin, then there was very good ground for complaint. He would not ask his right hon. Friend to leave an unlimited discretion to proprietors of newspapers for the future. But he did ask his right hon. Friend not to interfere with the property and trade of those already established. He assured the House that the question of the margin of newspapers was now the whole question before them. More than this he did not ask for. Upon every just principle he considered it ought to be conceded. If it were conceded, the interests of trade would not be interfered with, and the public would be gratified. He had heard a great deal upon former occasions as to the imposing of duties, and interfering with the conduct of men in the management of their business. The Reports upon the Table, from the Commissioners of Excise pointed out the injury done to trade by restrictions of this nature. He asked of his right hon. Friend to concede on this point to what was the universal opinion of all those examined on the question of taxation, that duties ought not to be imposed which interfered with the management of a trade by those already embarked in it. Such an inconvenience, he conceived, would be the necessary result of his right hon. Friend's proposing an increased duty upon all papers beyond a limited size. The tax, in the manner proposed, it was almost impossible to collect with accuracy, for it was allowed that there was the greatest difficulty in limiting to the precise size the paper brought in order to be stamped. The reams of paper were sold by weight, and in opening those reams the sheets differed from each other, so much so, in the number of inches, that an honest proprietor, desiring strictly to conform to the law and to have his paper within the prescribed limits, might still, without any fault of his own, have in some reams the paper exceeding in length what the law required, and thus be subject to an additional duty, or to a heavy penalty if the duty was not paid; was it just, then, when a person was unable to measure the individual sheets, that he should be subjected to a penalty. This was certainly interfering with the private trader in a manner that was most injurious to the trader, and it was doing so without conferring the least advantage upon the public. Now, if they adopted the superficial matter printed, if there were to be 1,530 inches of printing allowed, that was what every man would be competent to regulate. Thus they would have a test for controlling the size of the newspapers, and one too with which the individual would be able to comply. This would be one which each proprietor could execute, and which if he transgressed he would be justly liable to a penalty. As this was a matter concerning trade, and considering the interests already embarked in it, the capital laid out in machinery for printing papers of a particular size, the injurious results that might follow if some such proposition were not adopted, he was sure that his right hon. Friend could not but be induced to accede to the amendment which he now proposed. If the duty were to continue as it then was, it would be found, he was sure very inconvenient in principle and as regarded a matter of finance. Such must be the case if his right hon. Friend persisted in making papers beyond a particular size pay an additional halfpenny duty. He could say, as a measure of finance, his right hon. Friend would find that if he thus checked the size of newspapers, he would lose more by it, on account of the loss of duty from advertisements that must be the consequence of such a plan. He would lose more by advertisement duty than he could gain from the additional stamp on the newspapers. His right hon. Friend might tell him that the additional duty was required as a postage upon the increased size of the newspapers. Now, that might be a good argument as regarded the Post-office, but the proprietors of newspapers thought it a very inconvenient arrangement as regarded them. The Government should look, not at the gain of the department of the Post-office, but at the gain of the general revenue of the country; and if the duty on advertisements would produce more to the revenue than the additional payment of a halfpenny on the increased size of the paper, Government would act wisely in not imposing this restriction on the newspapers. He was really at a loss to conceive on what arguments were urged the expediency of the proposed alteration. Was he to be told that this was the argument? That it was not proper that one newspaper should have a monopoly of advertisements—that it had that monopoly already, and that it would be better to distribute those advertisements amongst a greater number of newspapers? He did not know whether that was or not an argument used upon the other side. [The *Chancellor of the Exchequer*—No.] His right hon. Friend declared that it was not, then he should not press it further. It had been urged that there was no necessity for imposing this restriction, which parties embarking their capital in newspapers had no right to anticipate. The restriction proposed was one that interfered with the progress of trade, and which, if fit to be applied at all, should be only applied to newspapers hereafter to be printed. The words he should propose to be added were "exclusive of the margin." He did think this was the best mode of effecting the object he had in view, that of giving the necessary protection to the proprietors of newspapers for any variance in the size of their papers. He thought the right hon. Gentleman opposite could not object to his proposition. If there were any objections to the particular form in which his amendment was submitted, he should be most willing to change it, so as that he could effect the object he had in view.

The *Chancellor of the Exchequer* wished to call to the recollection of the Committee the proposition which he had made on a former occasion. He stated then, that it was his intention that every newspaper sheet, of a certain size, should pay 1*d.* duty. If this were not the case, papers would be published of an almost unlimited size; and they must also take into account that the restrictions upon the size of newspapers were rendered necessary by the reduction of the duty—the present duty being intended to pay the expense of postage. Some restriction of size was, therefore, rendered necessary, as the charge of postage was contained in the Stamp-duty. The question then was, what that restriction should be, and as he had stated on a former occasion, in order to interfere as little as possible with existing establishments, he took the *maximum* size of a single sheet from the newspaper of the largest size published throughout the empire. Then came the question of double sheets, or of two newspapers made up into one. It occurred to him, unquestionably, that if a double sheet were to be carried by the post, it ought to pay a higher duty than a single sheet. If, for instance, newspapers of no particular dimensions were stated in the Bill, if they allowed newspapers of any dimensions to be carried at a single duty, newspapers might be extended to an unlimited size; and yet they would still be liable only to the duty of 1*d*. He did not think this reasonable or fair. That was the ground on which the present restrictions respecting the amount of duty were imposed. The proposition, however, made by his right hon. Friend (Mr. Goulburn) was a different one, and came recommended by some considerations to which he would advert. It was perfectly true, as had been stated, that restrictions upon the size of newspapers might sometimes produce inconvenience, because, as his right hon. Friend had stated, all the sheets of a newspaper might not necessarily be of the same size. It would answer the purpose for which the sheet was necessarily limited, that it should be defined as the quantity used for the purpose of printing; and in order that the variation might be satisfactory if the quantity were calculated not upon the sheet of paper itself, but upon the actual printed part of the sheet—the result of the proposition of his right hon. Friend. The object would thus be gained, interfering at the same time but little, or not at all, with the Bill, and still protecting the revenue. At the same time, if he were called upon to carry by the post an undefined weight of paper at 1*d*. stamp duty, he should think such a proposition very unreasonable. But the proposition of his right hon. Friend he thought perfectly reasonable, and he was sure that his right hon. Friend must see that, in establishing restrictions, it was with the object of protecting the public from those abuses which otherwise they might reasonably apprehend. He had no difficulty, therefore, in acquiescing in the proposition of his right hon. Friend; but he begged it to be understood distinctly, that the printed part of the newspaper was to be considered independent of its size. As to the details, he believed that they would satisfy each other. There would be no difficulty to interfere with an arrangement, and as they did not differ about the principle, the details might be subject for consideration.

Mr. *Goulburn* thought, that nothing could be more fair than his right hon. Friend's statement. He (Mr. Goulburn) was extremely glad that his right hon. Friend had acceded to his proposition, as he believed it would satisfy all parties.

Mr. *Hume* understood that the additional halfpenny charged upon a double sheet was to pay the expense of postage. Upon that principle a small newspaper published in the country, containing altogether only half a sheet, ought not to pay more than a halfpenny duty.

The *Chancellor of the Exchequer* said, that the duty was imposed upon the same principle upon which letters paid postage. Single letters all paid the same postage, and if a double letter were put into the post it was charged double. There must be a limit somewhere. The question had, however, been already discussed, and settled on the basis of a penny stamp, and if they were to say that half-a-sheet of paper should only pay a half-penny stamp, they would be abandoning the principle upon which the House had already decided to act.

Sir *Robert Peel* said, that there was a still stronger reason. When newspapers have the temptation to publish double-sheets, they do not do so without giving the public an equivalent. It was not done because the newspaper had double the quantity of news, but for the advertisements, and upon each advertisement the sum of 1*s*. 6*d*. was paid, and therefore, though they permitted double-sheets for the same stamp, in point of fact they were in another way deriving great advantages. Take for instance *The Times* newspaper. The amount of its advertisement duty was 10,000*l*. a-year. This was much more than sufficient to pay the expenses of postage. He confessed that he thought it much better to place a duty of 1*d*., and he was sure that newspapers which had the temptation to publish double sheets would in so doing be giving the public some equivalent in the way of advertisements. At the same time his right hon. Friend, the Chancellor of the Exchequer had met the proposition of his right hon. Friend (Mr. Goulburn) with so much fairness, that he would withdraw all objections to the restrictions. He was of opinion that it was quite just and reasonable that the restrictions should be placed on the quantity of the printed matter. If they took the mere size of the newspaper, it would be subject to inconvenience, because sometimes there was a difference of size in the sheets on account of the great rapidity with which they were cut off, and if they took the size of the paper, it might happen that 100 newspapers would be subject to the additional duty, whilst the remainder, containing the same quantity of printed matter, would be free from it. The compromise proposed was a perfectly fair one;

it was founded on principles of justice; but his right hon. Friend the Chancellor of the Exchequer, was justified in reserving the further consideration of the means of giving it practical effect.

Amendment agreed to.

Mr. *Hume* wished to know from the right hon. the Chancellor of the Exchequer, what was to be the definition of a newspaper under this Act.

The *Chancellor of the Exchequer* said, that perhaps it would save trouble if he went through the definition, and stated in what it would differ from what it was at present. He stated on a previous evening, that that would be a newspaper under these schedules which was a newspaper under the existing laws. There was one alteration, however, to which he wished to call the attention of the Committee—one which he thought he was bound to make in justice, and which could be made without inconvenience. He had heard from the stamp department that no inconvenience would arise from the alteration to which he was about to call the attention of the Committee. Under the definition in the 60th of George 3rd these words were included:—"Also any paper containing any news, occurrences, &c.;" and then came these words—"or upon any matter in Church and State." This gave rise to a supposition, that if one were to publish a history of the Reformation, which concerned the Church, or a history of the reign of Queen Elizabeth, which concerned the State, though this was not news within the fair and proper interpretation of the words, it would yet fall under the definition. Now, he proposed the exclusion of these words, as the only effect of them was to bring under the Newspaper Act matters concerning Church and State, which were not news, nor occurrences, nor commentaries upon news or occurrences. This alteration would lead to no possible inconvenience.

Sir *Robert Peel* said, that there was one part of this subject to which he was anxious to draw the attention of the Committee—he meant the subject of copyright. He hoped that it was the intention of his right hon. Friend (Mr. Rice) to make the protection of copyright concurrent with any changes in the law. They were about to make a great revolution in the mode of conducting newspapers simply by the reduction of the stamp duty, which would destroy what some called a monopoly, but what others considered to be the true cause of the very high character of the press of this country, more particularly wth respect to its intelligence. In making these great changes it was a matter of strict justice and sound policy to devise some means of giving for a short period some copyright. Unless there was, at the same time, a remedy of a summary nature, in point of fact no copyright could be effectual. He must say, that of all the phenomena of civilized society, he doubted whether there was anything more remarkable than the mode in which the people of this country were supplied with intelligence. It was one of the most wonderful instances in which, without the intervention of Government, merely by dint of private exertion and expense, the public was supplied from all parts of the globe with that intelligence, the possession of which constituted one of the great sources of rational amusement and instruction. Some said that the press of this country was less eminent in point of intellect and ability than that of other countries. He did not entertain that opinion. Of course, in the free discussion of political questions there would be always much of acrimony, of personal comment, and reproach; but upon the whole, comparing the press of this country to that of France, or the United States, or to the press as it existed in any other country, or ever did exist, it was a remarkable instance of ability and intelligence, of readiness, of application in the mode in which the public intelligence was procured through the intervention of private men, and a most remarkable instance of the application of capital. Unless they secured the possession of this intelligence to those who procure it at such labour and expense in the first instance, it was the only mode in which it could be obtained, and a sufficient inducement held out to those persons who thus incurred such expense. He hoped, at the same time that they reduced the amount of duty, which might have operated as a monopoly, that they would act consistently with justice, and make concurrently some regulations by which those who had been at the trouble and expense of procuring the earliest intelligence might be protected from being deprived, for a few hours at least, of the exclusive advantage of that intelligence. He hoped, that in the course of the session some effectual means would be devised also to prevent all interference with the title of a newspaper for the purpose of imposing on the public, and he hoped that, within certain limits (for there must be limits), those who had gone to the expense of many thousands in procuring intelligence would, in the first place, be allowed a copyright; and next, that it would be made effectual by some summary process.

The *Chancellor of the Exchequer* rejoiced that the right hon. Baronet had made the statement that they just heard. It would be in the recollection of many Members present, that in a former debate twelve months ago, he stated, that it not only appeared just and proper, but that it was a positive obligation on them to protect as far as they possibly could the property that was invested in newspapers, and which might be invested in them in future. They knew, though it might be scarcely regular according to the orders of the House to advert to it, that the machinery of the press to which the right hon. Baronet had adverted was most wonderful. The debates in that House, up to three and four o'clock in the morning, were reported with surprising accuracy—indeed, considering the difficulties of the case, with extraordinary accuracy, precision, and general fairness. This was done at a very considerable expense, and it would be extremely unfair if, after being put to this expense the proprietors were, through the rapidity of printing, to be deprived of the advantages which they had obtained through their own labour and capital, and it should be made available to others who had contributed no labour or capital. He was, therefore, most anxious and willing to devise some scheme to put a stop to such practices. He was most anxious to devise some effectual plan for protecting such property. As to the protection of the title of newspapers, that could be undoubtedly given. It would be the more easy to do this, for, according to the plan of the Member for the city of London, there would be a distinct die for each paper, which would mark the paper. Then as to the leading articles, it was easy to protect them. But when they came to that which was not an original, but a copy, they could not say how many copies were taken from the same original. It would be exceedingly difficult to prove this in a court of justice. Two persons might say they had taken measures to have the same report—that they had persons reporting as well as the others. Now how was this to be met, unless by giving evidence of the notes from which the report was taken. In the case of foreign intelligence, also, which was procured at a great sacrifice both of labour and capital, undoubtedly it was a matter of great interest and importance to receive despatches of this kind from Spain or Russia, and other parts in which events of great public moment were going forward; but at the same time he must add, that great difficulty would be found in coming to any arrangement whereby to identify intelligence of this kind with the paper it might happen to have been originally printed in. Now with regard to the remedy. Undoubtedly to be effectual it should be summary. But here, also, it would be no easy matter for courts to decide in a summary manner upon questions of piracy of this description. He alluded to these particulars, not with any view to relieve himself from the obligation under which he felt that both he and the House laid, of coming to some arrangement on this subject. As he had before stated in the course of the evening, he had received the sketch of a proposed Bill, from parties connected with the London press, and they might rest assured that he would leave no effort untried to meet the question at the earliest opportunity, and he trusted he should do so in a way to give satisfaction to all parties.

Sir *Robert Peel* merely rose to add to what he had already stated, that he recollected many instances in which the first intelligence of important occurrences—particularly during the war—were received by Government through the means of newspaper establishments; and often of those papers which were at the time in opposition to the Government.

The remaining clauses of the Bill were agreed to.

The House resumed; Bill reported and ordered to be printed.

PAPER DUTIES.] The *Chancellor of the Exchequer* moved the Order of the Day for the third reading of the Paper Duties' Bill.

Motion agreed to.

The right hon. Gentleman then proposed to add the following proviso in order to meet a particular case:"—"Provided always, that until the eleventh day of October, one thousand eight hundred and thirty-eight, nothing herein contained shall extend to subject to a duty, or to any regulation of the Excise, on any goods, wares, or articles manufactured under a patent, bearing date the fourteenth day of February, in the third year of the reign of his present Majesty, granted to Thomas

Robertson Williams, Esq., late of Norfolk-street, Strand, for securing to the said Thomas Robertson Williams, and his assigns, the benefit of the invention as set forth in the said patent, of a new combination of fibrous materials, forming, by means of machinery, artificial skins, which may be applied to the purposes for which skins, leather, vellum, and parchment, are used; and which patent is now by assignment vested in Charles Stanbridge and William Forbes Marshall, of the parish of Saint Luke, in the county of Middlesex."

Mr. *Thomas Duncombe* objected to the proviso, and stated that, in 1833, a Mr. Williams took out a patent for a certain article; previous to doing which, however, he applied to the Excise Commissioners to know whether it would be liable to duty as paper. The solicitor to the Excise, in answer to his petition, stated that, in his opinion, the revenue laws could not apply to the article, except it was manufactured into an article which could be used as paper. Upon this representation, Mr. Williams took out his patent at an expense of nearly *500l.* In 1835 he transferred his interest in the patent to the persons introduced into this proviso, Messrs. Stanbridge and Marshall. Before the transference was effected they again applied to the Excise, the excise officers visited the premises, saw the manufactures going on, and told them it would be impossible the article manufactured should come under the excise duty. This was the statement made in his (Mr. Duncombe's) presence, before the Chancellor of the Exchequer in Downing-street, the other day; a statement, so far uncrntradicted by the Excise Solicitor—also present. But then, say the Excise Commissioners, " the article you, Messrs. Stanbridge and Marshall, are manufacturing is different from that manufactured in 1833." Now, these Gentlemen, (Messrs. Stanbridge and Marshall,) deny positively that such is the case. They say to the Excise, " we gave you samples of the article manufactured in 1833, and if, as you say, the article now manufactured differs from that, we call upon you to produce those samples of 1833, and compare them with the article we now manufacture. We have the duplicates of those samples. Mr. Williams is ready to make an affidavit that they are the true duplicates of those samples, and we call upon you, the Excise, to produce the originals." " No," (say the Excise) " we cannot find them;" and then these Gentlemen were told that the article they now manufactured was different from that originally manufactured, and was subjected to duty. He, (Mr. Thomas Duncombe) believed that Messrs. Stanbridge and Marshall were manufacturing the same article which, in 1833 and 1835, the Excise declared free from duty. He thought the Chancellor of the Exchequer had been imposed upon by some interested individuals in the trade, jealous of the invention, and desirous of ruining the projectors; and he considered it a most unfair and unjust case. He (Mr. Thomas Duncombe) asked the House—he asked his right hon. Friend himself, was it fair—was it just—in an Act repealing a certain duty to introduce a clause avowedly for the purpose of excluding the manufacture of two individuals from the benefit of that remission, and limiting a patent duly obtained to two years; particularly under the peculiar circumstances of this case? He moved, in conclusion, as an amendment to the proviso of the Chancellor of the Exchequer to leave out the words " until the eleventh day of October, one thousand eight hundred and thirty-eight," in order to insert the words " during the continuance of their patent."

The *Chancellor of the Exchequer* said, that so far from the clause inducing an injury to the proprietors of this patent, so far from depriving them of any rights which they were entitled to at present, it extended to them a certain qualified protection in their business which they could otherwise not enjoy. This clause protected them from a tax imposed by the present Bill during a period of two years; an act of grace on the part of Government which the parties were by no means entitled to demand. The fact was this: the patent was originally proposed to be applied to the manufacture of tea boards, bottle stands, &c. which, of course, were not included in the payment of the duty levied on paper; but this article had since been used in the production of an article intended as a substitute for milled boards; and here, of course, as an act of justice to those who paid duty upon those articles, it became necessary to levy the duty upon this peculiar branch of this manufacture; a period of two years being allowed the parties, in order to prepare for the competition it would have to meet with. As he said before, then, for any thing for which this patent was originally contemplated, the holders of it would continue to receive protection to the uttermost; and for other matters which it had since been applied to, they would also be protected for a period of two years. The omission of this clause would, therefore, operate to the disadvantage of the patentees, by immediately subjecting them to a tax which they would now be freed from during the above specified period.

Mr. *Warburton* thought that, as this clause was framed to affect the interests of particular parties, it partook of the nature of a Private Bill, and should be treated accordingly by the House.

The *Chancellor of the Exchequer*: I believe it will be found that, in various instances, it has been decided, that in general Acts clauses may be introduced saving particular patent rights.

Mr. *Grote* was only acquainted with the circumstances of this case through the statement of his hon. Friend, the Member for Finsbury. From what he had heard he agreed with the right hon. Gentleman, the Chancellor of the Exchequer, so far, that this proviso would place the Messrs. Stanbridge and Marshall in a better situation than they would under this Bill be without it. But the question was, whether they were not entitled, in equity and justice to ask for something more than even this proviso gave them? They stood in this position:—if he (Mr. Grote) understood the case—the officers of the Excise had authorised them to manufacture a certain article free of duty. Upon the faith of that they bought their interest in this patent. By the Bill of the Chancellor of the Exchequer this article of manufacture was to be made liable to duty. And this proviso will grant them an exemption from duty for two years, as an indulgence; so that out of the fourteen years of patent right, during eleven they will be subjected to duty. Under these circumstances, and he believed he had stated them correctly, he (Mr. Grote) considering that, as in all probability, this Bill, even with this proviso, would be to them utter ruin, felt bound in justice to support the amendment of his hon. Friend, the Member for Finsbury.

Mr. *Wakley* supported the amendment of his hon. Colleague. He sincerely hoped the House would not sanction a clause so unjust as the 16th Clause of this Bill, which would have the effect of ruining these manufacturers altogether, after they had expended a large sum in purchasing their interest in the Patent, and had exhausted their capital upon it, on the understanding that the article produced would be free of duty. He hoped the 16th Clause would be expunged from the Bill.

Mr. *Thomas Duncombe*, in reply, read a passage from the affidavit of Mr. Williams, proving, that the article now manufactured by Messrs. Stanbridge and Marshall, was the same as that produced in 1833. He should divide the House upon his Amendment.

The House divided on the original Motion:—Ayes 56; Noes 22: Majority, 34.

List of the Ayes.

Adam, Sir C.
Alsager, Captain
Alston, R.
Baines, E.
Baldwin, Dr.
Bannerman, A.
Baring, F.
Beckett, rt. hon. Sir J.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bramston, T. W.
Buller, Sir J. Y.
Chapman, A.
Dalmeny, Lord
Denison, J. E.
Divett, E.
Dowdeswell, W.
Ebrington, Lord Visct.
Ferguson, G.
Fergusson, rt. hon. R. C.
Fitzroy, Lord Charles
Forster, Chas. Smith
Fremantle, Sir T.
French, F.
Gladstone, W. E.
Grey, Sir G.
Hobhouse, rt. hon. Sir J.
Hodges, T. T.
Howard, Philip H.
Knox, hon. J. J.
Mackenzie, S.
Maule, hon. F.
Morpeth, Lord Visct.
O'Connell, J.
O'Ferrall, R. M.
O'Loghlen, Michael
Palmerston, Lord Vis.
Parker, M.
Parker, John
Pryse, P.
Rice, rt. hon. T. S.
Rushbrooke, Colonel
Russell, Lord J.
Ruthven, Edw.
Seymour, Lord
Stanley, E. J.
Strickland, Sir G.
Stuart, V.
Talbot, C. R. M.
Thomson, rt. hon. C. P.
Thornely, T.
Tulk, C. A.
Tyrrell, Sir J. T.
Young, G F.

TELLERS.

Baring, Mr.
Smith, V.

List of the Noes.

Aglionby, H. A.
Blackstone, W. S.
Bridgeman, H.
Brotherton, J.
Buckingham, J. S.
Chalmers, P.
Darlington, Earl of
Forbes, W.
Gordon, hon. W.
Grote, G.
Hawes, B.
Hume, J.
Knightley, Sir C.
Philips, M.
Praed, W. M.
Thompson, Colonel
Trevor, hon. A.
Wallace, R.

Walter, J.
Warburton, H.
Wood, Alderman

TELLERS.
Duncombe, T.
Wakley, T.

Clause agreed to, and Bill passed.

POLLS FOR COUNTY ELECTIONS.] Lord John Russell moved the Order of the Day for the resumption of the adjourned debate on the Report of the County Elections Polls Bill.

Colonel *Sibthorpe* said, he objected to a bill of this importance being discussed at so late a period of the night. He was opposed to the principle of the Bill, the object of which was to disfranchise a large class of electors. He should move, as an Amendment, that the report be taken into further consideration this day six months.

Mr. *Arthur Trevor* said, this Bill was a decided interference with the elective franchise; for, by limiting the poll to one day, it rendered it utterly impossible for persons holding property in different counties to exercise their franchise in all. He believed that, under this Bill, a large proportion of county elections would be carried completely by clamour. He should support the Amendment of his gallant Friend, the member for Lincoln; and in doing so, he should stand by one of the truest and most undaunted patriots in the kingdom.

Sir *Charles Knightley* said, this measure was introduced for the purpose of destroying the influence of the party opposed to the present Government. It was well known, that county voters were generally in favour of that party; and the object of this Bill was to prevent them, as much as possible, from exercising their elective franchise. [*No! no!*] The Government had better introduce a bill at once, disfranchising county voters; nay, they might as well introduce a bill, enacting, that none but radicals might sit in that House.

Mr. *Forbes* said, it was right that this very important measure should receive a full and fair discussion; and he moved, that the debate be adjourned. [*No! no!*]

Mr. *Hume* said, that undoubtedly if the hon. Baronet, the member for Northamptonshire, would bring in a bill to exclude any but radicals from a seat in this House, he (Mr. Hume) would second it [*laughter.*] This Bill emanated from the recommendation of a Committee up stairs, equally composed of Tories and Whigs; the Government had nothing at all to do with it.

Dr. *Nicholl:* I rise to order. I think the question is the adjournment. [*Loud cries of "No! no!"*]

The *Speaker:* The question is an Amendment to an Order of the Day. Since that, it has been moved, that the debate be adjourned.

Mr. *Hume* continued. This Bill did not, therefore, deserve the character which had been given of it by hon. Members opposite. He thought the recommendation of the Committee ought to have some weight.

Lord *Lowther:* Undoubtedly, in the Committee to which the hon. Member for Middlesex referred, some such measure as this was recommended. But he believed that the measure contemplated in Committee was far different from that before the House, on the present occasion. He had recommended, for instance, that there should be a polling-booth allowed to a certain number of voters—between 400 and 500. He objected to the Bill, because it gave to the sheriffs or magistrates of counties, the power of fixing the number of polling-booths. It was not so much upon the principle as upon the details—the very important details that he objected to the Bill. He objected to limiting the poll to one day. He believed it would have the effect of preventing a large class of voters from exercising the elective franchise. He objected to the poll being kept open to six in the evening. [Mr. *Hume:* It has been altered to five.] He could state other objections, but he did not think it right to proceed with such important bills at this hour, and regretted that the hon. Member for Salford (Mr. Brotherton) did not persevere in his motion for adjournment after twelve o'clock.

Lord *John Russell:* It was quite evident that the noble Lord had not attended to the details of this Bill. He complained that the Bill gave the sheriffs or magistrates of counties the power of fixing the number of polling-booths. It did no such thing. It only gave to the sheriffs or magistrates the power of making representations as to the number of polling-booths required; it would be for his Majesty, in Privy Council, to determine upon their number and localities. And the other objections of the noble Lord were objections which had again and again been urged in former stages of this Bill, and which had been also urged against reducing the time for polling from fifteen days to two.

Mr. *Forster* suggested, that the Bill should be postponed to afford time for the introduction of a clause, which he had before recommended, preventing elections in contiguous counties from taking place on the same day. It would only extend the time which the elections would occupy four or five days beyond the period they would, under the Bill as it stood, occupy; and it would remove a very main objection to the Bill.

Mr. *Pringle* was anxious that the Bill should eventually pass into a law, but he hoped the noble Lord would take the advice of the hon. Member for Walsall, and postpone the Bill to afford time for obviating the difficulties which had been raised.

The House divided on the Motion of Adjournment. Ayes 26; Noes 52: Majority 26.

Mr. Forbes moved, that the House do adjourn.

Lord *John Russell* said, he should postpone the further consideration of this Report till Thursday next; but in consenting to this arrangement, he must say he thought nothing could be more unjust than the course which had been taken. The Bill had been twice in Committee. It had been discussed when it formed part of another bill, and at the request of an hon. Gentleman opposite, he had made it a separate bill. He was sorry he had acceded to that request, because his doing so had led to an opposition which would not have been offered if this measure had continued a part of the former Bill. The present Bill was brought in at five o'clock in the afternoon; the hon. Member for Cambridge then discussed it, and it had been discussed in Committee. On the third reading, there would be another opportunity of discussing it. He submitted, however, because he never wished to enter into discussions of this kind, which involved division after division; but he did so, reminding the House that, if at this period of the year, they would not advance any important measures, except at an early hour, the Session would inevitably be protracted five or six weeks longer.

Mr. Forbes withdrew his motion, and the debate was further adjourned.

List of the Ayes.

Alsager, Captain
Blackstone, W. S.
Bramston, T. W.
Brotherton, J.
Buller, Sir J. Y.
Chisholm, A. W.
Clerk, Sir G.
Darlington, Earl of
Egerton, W. T.
Forbes, W.
Forster, Charles S.
Fremantle, Sir T.
Gladstone, T.
Gladstone, W. E.
Gordon, hon. W.
Knightley, Sir C.
Lefroy, right hon. T.
Lowther, Viscount
Nicholl, Dr.
Parker, M.
Perceval, Colonel
Praed, W. M.
Pringle, A.
Rushbrooke, Colonel
Tyrrell, Sir J. T.
Vesey, hon. T.

TELLERS.

Sibthorp, Colonel
Trevor, A.

List of the Noes.

Adam, Sir C.
Aglionby, H. A.
Alston, R.
Baldwin, Dr.
Bannerman, A.
Baring, F. T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Buckingham, J. S.
Chalmers, P.
Chapman, A.
Dalmeny, Lord
Denison, J. E.
Divett, E.
Duncombe, T.
Ebrington, Viscount
Ferguson, G.
Fergusson, rt. hon. R. C.
Grey, Sir G.
Hawes, B.
Hobhouse, rt. hon. Sir J.
Howard, P. H.
Hume, J.
Knox, hon. J. J.
Mackenzie, S.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Palmerston, Viscount
Parker, J.
Philips, M.
Price, Sir R.
Rice, rt. hon. T. S.
Russell, Lord J.
Ruthven, E.
Stanley, E. J.
Strickland, Sir G.
Stuart, V.
Thompson, Colonel
Thomson, rt. hon. C. P.
Thornely, Thomas
Tulk, C. A.
Wallace, R.
Wakley, T.
Warburton, H.
Wood, Alderman
Young, G. F.

TELLERS.

Maule, F.
Smith, V.

Light-houses Bill.] Mr. Poulett Thomson moved the Order of the Day for the third reading of this Bill.

Mr. *Blamire* said, he did not rise to oppose this Bill, but he wished to call the attention of the right hon. President of the Board of Trade, to the manner in which it would operate upon vessels navigating the Solway Frith; at present, vessels navigating that Frith and going to Liverpool, had no tolls to pay upon the English shore, until they arrived at Liverpool, where they were called upon to pay a toll of 1*s.* 4*d.* per ton towards maintaining the light. Now this Bill would impose upon them a toll of 1*s.* 2*d.* per ton, which would, in many cases, make a difference of 75*l.*; no inconsiderable amount. Might not some provision be introduced to meet this which appeared to him to be a very hard case.

Mr. *Poulett Thomson* said, it would not be necessary to introduce any special provision to meet the case mentioned by the hon. Member. The discretion which was vested by this Bill in the Privy Council, would enable them to reduce the toll to be levied on these vessels from 1*s.* 4*d.* to 1*s.* 2*d.* per ton.

Mr. *Blamire* was satisfied with the explanation of the right hon. Gentleman.

The Bill was read a third time.

Several new clauses were brought up and agreed to, and the Bill passed.

HOUSE OF LORDS,

Tuesday, July 19, 1836.

MINUTES.] Bills. Read a third time:—Arms (Ireland); Antigua Indemnity.—Read a second time:—Cessio Bonorum.

Petitions presented. By the Duke of RICHMOND, from Southampton, for an Inquiry, and that some check may be given to the vice of Drunkenness; and from Enisworth, against Oyster Fisheries' Bill.—By Lord WYNFORD, from the Isle of Ely, for Repeal of Poor-Law Amendment Act.—By the Earl of ROSSLYN, from Kirkaldy, against Universities' (Scotland) Bill.

CHANCERY (IRELAND).] Lord *Lyndhurst* presented a petition from Mr. David Daley, praying that the principle adopted in the English Chancery Bill, the 3rd and 4th William 4th., might be applied to the Irish Court of Chancery Officers' Abolition Bill.

Lord *Plunkett* stated, that the petitioner had obtained an ample compensation, and that he wanted to obtain a situation as assistant registrar, to which he was not entitled. He conceived that he was bound to abide by the provisions of the Act upon this subject, which he (Lord Plunkett) had had the honour to introduce. There would be a saving of nearly *3,000l.* per annum to the public by the new arrangement in that department.

Petition laid on the table.

PAROCHIAL ASSESSMENTS.] On the motion of the Duke of Richmond, the House went into Committee on the Bill for Regulating Parochial Assessments.

On the first clause (which provides, that from and after the 21st day of March next after the passing of this act no rate shall be allowed by any justice which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto) being read,

The Marquess of *Salisbury* expressed his determination to oppose the clause, as not likely to produce any real benefit, while the machinery which would be necessary for carrying the new valuation into effect would be troublesome and expensive.

The Duke of *Richmond* contended, that the Bill would be extremely beneficial, inasmuch as it would put an end to those unequal and often fraudulent assessments which were complained of under the existing system.

The Marquess of *Salisbury* believed, that fraudulent assessments could not easily be effected when the amount of rent was known.

The Duke of *Richmond* said, it was impossible that the poor-rates could be fairly levied on a parish unless some measure of this kind were adopted. At present, the overseers made the rate as they thought fit, and the magistrates signed it ministerially. If its correctness were disputed, justice could only be procured by a tedious process; whereas the Bill provided that the justices should assemble at least four times a-year in petty sessions, for the purpose of hearing complaints.

The Earl of *Liverpool* opposed the clause. If the actual rent were known, the overseer would, of course, as the law now stood, apportion the rate accordingly.

The Duke of *Richmond* contended, that the rate ought to be founded on the net annual value. The Bill, in fact, only compelled the overseers to do that which they ought to do at present—namely, to make a rate equally and fairly.

Lord *Wynford* supported the Bill, as calculated to remedy a great public grievance. The first clause contained the principle of the measure. That principle was admitted when the Bill was read a second time, and if the clause was now lost they would abandon the principle to which they had previously agreed.

Lord *Ellenborough* approved of the third clause which provided for appeal to the justices assembled in petty sessions; but the question was, whether it would be expedient, at the present moment, to pass the two first clauses, enacting that rates should be made on the net annual value of the property, and prescribing the form in which the rate shall be made. That they ought to come at last to the principle recognized by the first clause he admitted, for he believed that great irregularity prevailed in assessing the value of property in different parts of the country, the estimate being sometimes one-half and sometimes one-third of the real value. The country was, however, accustomed to the system, and it could not be altered immediately without great inconvenience. There would be very great difficulty in making the valuation according to the provisions of this Bill; for it was set forth, that the rate "shall be made upon an estimate of the net annual value of the several hereditaments—that is to say, of the rent at which the same might reasonably be expected to let from year to year, deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent." He conceived that it would be almost impossible for an overseer to form an accurate judgment upon all these points. Now, though he was not opposed to the principle of the measure, yet it struck him that the mode proposed for carrying it into effect was not precisely the one that ought to be adopted. By the Tithe Bill, which stood for consideration this evening, it was provided that a new valuation should be made; and he thought that it would be better to wait until that provision was carried into effect. He was therefore of opinion, that the 3rd and 4th Clauses, should be passed, and the 1st and 2d (for he did not object to the principle) postponed until the valuation was taken under the Tithe Commutation Bill.

Lord *Kenyon* conceived that overseers ought to be compelled to make a fair return. That could be done under this Bill, with very little expense or trouble, and that injustice would be avoided which had hitherto been complained of. He hoped that they would not reject the principle of the measure by the omission of these two clauses.

The Earl of Ripon, was opposed to the clause.

Lord *Wharncliffe*, adverting to the mode in which it was proposed that overseers should frame the estimate, contended that it was so intricate that they would be incapable of making a correct estimate. It would, therefore, be necessary for them to call in other parties to their assistance, and thus a great expense would be incurred.

The Duke of *Richmond* repeated, that the Bill only compelled overseers to do that which they ought to do at present—namely, to make a fair and just rate. Instead of the assessment being fairly levied, it varied in many places from one-fifth of the net value up to the full amount of rack-rent.

Their Lordships divided on the original clause — Contents 31; Not-contents 28—Majority 3.

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Clauses agreed to.

The House resumed; the report to be received.

TITHE COMMUTATION (ENGLAND).] The Marquess of *Lansdowne*, in moving the order of the day for bringing up the report of this Bill, said, considering that a great many amendments had been made in the Bill, with the general concurrence of the House, he thought it might be convenient to their Lordships if he very shortly adverted to the few points which were reserved for consideration. In the first clause, providing for the appointment of the Commissioners, their lordships would recollect an amendment was proposed by a Noble Baron to substitute the name of his Majesty for that of the Secretary of State, and subsequently another amendment was moved in the same clause by a right reverend Prelate, who proposed that the Commissioners should only be removeable jointly by the Archbishop of Canterbury and the other power, viz. his Majesty. In this amendment their Lordships seemed disposed to agree were it not for the obvious objection that it would be indecorous that the Archbishop should be joined with his Majesty by name. The two amendments could not be adopted. That being the case, he proposed to restore the name of the Secretary of State, the nomination resting with the Government, who would be responsible for it, and that arrangement would admit of their adopting the suggestion, that the Secretary of State jointly, and only jointly, with the Archbishop, should have the power of removal. He would recommend their Lordships to prefer this course, because he believed the effect of it would be, to raise the Commissioners in the estimation of the public. The noble Marquess concluded by moving the amendment.

The Archbishop of *Canterbury* concurred in the amendment moved by the noble Marquess. He thought the Commissioners would appear to the public more independent if they were only removeable by the joint act of the Archbishop and of the Secretary of State.

The Marquess of *Lansdowne* said, he would postpone the clause, in order that it might have some further consideration, till the third reading, when it might be moved by way of rider.

Several verbal amendments were agreed to.

The Marquess of *Lansdowne* said, he had no further amendment to suggest until Clause 16, for which, as it at present stood, he should propose the substitution of another, which would more clearly and accurately define the authority of persons who might act as agents. It was to the effect that any landowners or titheowners be allowed to appoint agents, in order to carry into execution the provisions of this Act; that anything which by this Act, is directed to be done, by or with relation to any person, may be lawfully done by, or with relation to the agent of such person; that such agent be allowed to vote on any question upon which the principal of such agent might have voted; and that the powers of attorney under which such agents acted be appended to every agreement entered into by them."

The clause agreed to.

The Archbishop of *Canterbury* rose to propose an additional clause to the Bill. He could see no reason why tithe-owners should be deprived of any prospective right which they would enjoy under the present law. With respect to waste lands, he had already expressed his opinion, that when they were brought into cultivation they should not be subject to tithes, because that would act as an impediment to the expenditure of capital, which it was the object of the Bill to encourage, but that a portion of them should be set apart as the property of the titheowner; and he now proposed the introduction of a clause, after Clause 38, to enable the Commissioners to set apart from all common lands brought into cultivation such a portion of land as would now of right belong to the tithe-owner.

Lord *Ellenborough* decidedly objected to the clause. It might come into operation 100 years hence; and then they must refer back to the valuation under this Bill, and must strike off the rent-charge. At the present moment, if any enclosure were to be made, many persons, for the purpose of conciliating the titheowner to consent to such enclosure, might be willing to give a portion of the land; but when, instead of tithes, they paid a rent charge, there would no longer be the same inducement for them to give a portion of their land in order to obtain that consent. At the present, the value of such tithes would be infinitely small; but when portions of the land were given they were always given according to what might be the future value of the tithes. Now, there was nothing prospective in this Bill; but if they introduced the present clause, then it would become prospective to any extent.

The Marquess of *Lansdowne* felt compelled, and he did it with great reluctance, upon the grounds stated by the noble Lord (Ellenborough), to oppose the clause of the right rev. Prelate. He opposed it upon the general principle. The Bill at present afforded security to the titheowners for a rent-charge according to the value of tithes which they had hitherto received; and at the same time relieved the landowner from all eventual burdens, and all obstacles arising out of the tithe-law.

Lord *Ashburton* said, there were very few parishes in England in which there were any commons worth enclosing which were not already enclosed, and he felt that it was a much greater hardship upon the landowners to be called upon to pay tithes for lands which might go out of cultivation, than for the titheowner to be deprived of tithes for lands which might hereafter be enclosed. The Bill, upon the whole, was, he thought, favourable to the titheowner; and, as his greatest objection to this Bill was with respect to the manner in which it dealt with lands that might go out of cultivation — he should most decidedly oppose the clause of the right rev. Prelate, which would inflict an additional hardship upon the landowner. He knew in many cases, particularly if there should be any alteration in the corn-laws, that it would be the interest of the owners of land to give up the land altogether to the titheowner rather than pay tithes for it.

The clause negatived without a division.

The Marquess of *Lansdowne* wished to propose a clause after Clause 28; it was a clause of some importance, and one which he thought would meet with general concurrence. It had been suggested, that it would be expedient that rent-charges should be convertible into land, provided that land did not exceed a certain amount. The right rev. Prelate had proposed twenty acres. His object was to carry that into effect with respect to clerical owners, and with regard to lay owners to convert rent charges into land without any restriction as to extent.

Lord *Ellenborough* was not prepared to offer any opposition to the principle of the clauses; but he certainly did think that they should form the subject of a separate measure.

The Bishop of *Exeter* begged to express his gratitude, as a Bishop, for the introduction of the clauses which were now proposed. He was sure they would be considered a great boon by the country. As to the number of acres, he, however, thought that regard should be had to the quality of the land.

The Archbishop of *Canterbury* said, that, with regard to the number of twenty acres, he thought twenty acres of the richest land not too much; and even twenty acres of poor land was a very considerable accommodation in the conversion of a rent-charge into land. Those reasons, with the advantage of having some definite number, had induced him to make the suggestion which he had done.

Lord *Wynford* approved of the clauses.

The Earl of *Devon* did not think it prudent to introduce a clause of this nature into the Bill.

The Marquess of *Lansdowne* observed, that so much doubt existed as to the propriety of converting the rent-charge into land in the case of lay titheowners, that he thought it better to postpone the clause for further consideration to a future stage of the Bill.

Clause accordingly postponed.

The remaining clauses agreed to. House resumed; Bill to be reported.

HOUSE OF COMMONS,

Tuesday, July 19, 1836.

Minutes.] Bills. Read a third time:—Richmond Penitentiary; Grand Juries (Ireland).—Read a second time:—Customs' Bill.

Petitions presented. By Mr. Grote, from Leamington Priors, for Vote by Ballot.—By Mr. Cutlar Fergusson and Mr. Robert Wallace, from various Places, for Alteration of Burghs of Barony (Scotland) Bill.—By Mr. E. Ruthven, from St. James, Dublin, for Reform of the House of Lords.—By Mr. Hutt, from Kingston-upon-Hull, for Hull Trinity House Bill.—By Sir R. Peel, from Coventry, against Charitable Trustees' Bill.—By Mr. Grote and Mr. W. Williams, from various Places, for the Abolition of Church Rates.—By Mr. Freshfield, from Penryn and Falmouth, against Stannaries' Bill—By Mr. Ponsonby, from the Claimants of the unappropriated residue of the Funds of the French Government for the Liquidation of their Claims.—By Mr. Poulter, from the Retailers of Beer, Reading, for placing them upon the same footing as Licensed Victuallers.

Charitable Trusts.] Mr. *Vernon Smith* rose for the purpose of moving the further consideration of the Report on the Charitable Trustees Bill, and he should have to suggest a few alterations which it had been considered necessary to introduce since the report was last under consideration. But in the first place he would draw the attention of the House to the principle of the Bill, and how it stood with regard to the details. In the Municipal Corporations Bill a clause was introduced vesting the charitable trusts of Corporations in the hands of fifteen persons, to be named by the Council, and chosen from among the burgesses, and that without any money or suitable qualification whatever. In that state the Bill passed through that House, without opposition to the clause, but not without considerable animadversion. In the present Bill he had endeavoured to meet the objections that were then raised. The House was aware that when the original Bill went up to the House of Lords, a discussion took place upon the principle of the clause, and on the motion of Lord Lyndhurst it was rejected, on the ground that there was a Bill on their Lordships' table, which had been presented by Lord Brougham, having for its object the future regulation of all charitable trusts. That Bill, however, had not been advanced in its stages in the last, nor had it been renewed in the present Session. The clause having been rejected, and no steps taken with respect to the Bill to which he had referred, the charitable trusts remained vested in the old Corporations, who had the management of them, until Parliament should otherwise provide. That upon the face of it was evidently a temporary provision, and therefore his Majesty's Government now introduced this Bill to supply what was admitted to be a deficiency in the Municipal Corporations Act. The Bill had been introduced in the tone and spirit of the clause which had been rejected. And here he must say, that it was with some surprise that he found, at this stage of the Bill, on the further consideration of the report, that objections were intended to be raised, by hon. Gentlemen, opposite to the principle. But to proceed:—The Bill proposed that the object should be effected by the elective principle, but not such a principle as that which was adopted by the House with respect to the political body—the principle contemplated by the Bill was not a new one, it was the same that had been adopted with respect to the choice of auditors and assessors in corporate towns, which he believed had gone over more quietly than other elections. Each burgess was to have the right of voting, but for only half the number of trustees to be elected, the principle of the Bill being to provide against an equal division of parties, as had occurred under the Municipal Corporations Act, and by this means the minority would be represented. The elective principle being, that the persons locally resident and interested in the charities should elect the parties to administer them. This principle was stated to be a valuable one when the subject was under discussion last year, as far as it applied to Local Commissioners, and was so stated to be by the right hon. Baronet, the Member for Tamworth. He agreed with the right hon. Baronet, and if hereafter, a Central Board for charitable trusts throughout the empire should be appointed, that principle would not war with the principle of a Central Board. He apprehended that the right hon. Baronet himself would not be disposed to leave the matter entirely in the hands of the freemen, as was solicited in the petition the right hon. Baronet had that night presented from Coventry. It must be admitted, he thought, that as regarded the election of persons to administer the charitable trusts, the burgesses would be the proper persons to elect the trustees; and he thought the right hon. Baronet would not wish to leave that power in the hands of the persons to be benefitted, who were more or less paupers. The Lords proposed that the charitable trusts should remain in the hands of the old Corporations for another year, or until Parliament should provide otherwise. But, coupled with that clause, so leaving the charitable trusts in the hands of the old Corporations, was calculated to create a permanent, and not a temporary arrangement, namely, by the appointment of clerks and secretaries; although this did not lead of necessity to permanency, yet it looked like permanency. Against the principle of leaving these trusts in the hands of the old Corporations, he thought he need not address much argument, because it must be apparent, that when, by the Municipal Corporations Act, it was declared that the old Corporations were unfit to carry on the business of the towns, it could not be maintained that it was desirable that they should retain the power of exercising and administering these charitable trusts. The Corporation Commissioners reported very strongly against the conduct of the Corporations with respect to charities, and, therefore, it was not proper that they should retain the control of them in their hands, and consequently that the trusts should not remain in the situation in which they were left by the Lords. He thought the House would not consent to continue the administration of the corporate funds in the hands of such bodies as the Municipal Corporations were described to be by the Commissioners, who were not more likely to exercise their power well, because they had been deprived of other power and authority; the trusts ought not to be left in their hands as means of vengeance, or to be exercised in displaying political spite; they ought not to be left in the hands of those who had been guilty of malversation with respect to them. By the amendment which had been made by the Lords to the Municipal Corporation Act Amendment Bill, to which it was uncertain whether the House of Commons would agree, the charitable trusts would remain under the administration of the Lord Chancellor after the 1st of August; but he hoped the House would adopt the present Bill, and then it would be of no consequence whether they agreed to the amendments made by the Lords or not. There was another principle of considerable importance, namely—the possession of the property under this Bill. The majority of the properties given to the Corporations were charged for charitable purposes. He thought that these properties ought to be vested in the town-councillors; or persons who were eligible to be town-councillors; because it was clear by this arrangement that the parties, in whom the charitable funds would be vested, would have no interest in increasing the property beyond the amount required for meeting the amount of the charitable trusts, while, on the other hand, the other party would have an interest in increasing it, in order to have the administration of a surplus. There was only one other point connected with the principle of the Bill, that he could not forbear mentioning, and that was the appointment of the mayor to be chairman of the charitable trustees. Perhaps the House would allow him, as no discussion had taken place on the subject, to state why he had thought it necessary to introduce the clause appointing the mayor chairman of the trustees. The Bill proposed to meet the case of parties being equally divided, and, in order to obviate this difficulty, it had been thought proper to provide, that the charitable trustees should consist of an odd number. He thought, therefore, that the mayor was not an objectionable person to fill the office of chairman. He was aware that the object of the Bill was to separate, as much as possible, the charitable trusts from the town-council; but, as there must be constant communications between the town-council and the trustees, it would be advisable to have some persons fit to carry on such communications between the council and the trustees, and it had been thought, *ex necessitate*, that the mayor was the best person to be introduced. It might be said, that the mayor was a political person, and he should be ready to hear any objections that might be raised to that proposition. It was a common practice in that House to make charges against Gentlemen who had the managing of Bills, as having a strong interest in wishing to favour their own party; he, however, repudiated such a charge, and he could show an instance, in his own case, to the contrary; for his hon. Colleague opposite knew that the mayor of the town which he had the honour to represent, was decidedly hostile to the party to which he (Mr. V. Smith) belonged. The mayor, as the chairman of the trustees, would not be entitled to have a second vote; he would preside over the deliberations of the body, and when equally divided, then only he would decide. If any fair objection could be raised to the nomination of the mayor to fill this office, he should be happy to listen to it; but the object of the Bill was only to frame an impartial tribunal for the administration of these trusts. The right hon. Baronet, on a former occasion, did him the justice to say, that he was actuated by the best motives, but that he had not followed out his intentions on this Bill; but he believed that his hon. Friend, the Secretary of State, fully participated in the belief that it would lead to the impartial administration of these trusts. If the right hon. Baronet would chalk out any mode of getting rid of the mayor, he should have no objection to consider it. He was not sure that it might not be as well, if the appointment of the mayor was not approved of, that it might be left to the option of the trust to choose their own chairman, the council being the body to whom he would apply in all cases of emergency, difficulty, or necessity. He believed he had stated as much as was necessary, and should conclude by saying, that he intended to introduce one amendment, to provide that where suits were depending, and nearly concluded, they should not be vexatiously interfered with. The Bill would not interfere with the equitable jurisdiction of the Court of Chancery; this property would be available, as heretofore, to the control and authority of that Court.

Sir *Robert Peel* was rather surprised at the remonstrance, gentle as it was, that the hon. Gentleman had made, as to taking the discussion of this Bill on the report. If the hon. Member had, at an early period some evening, asked leave to bring in the Bill, and invited a discussion, or had he pursued the same course on the second reading, and given ample notice of when the second reading would take place, then he might have expressed some surprise at the debate being taken on the report; but when leave was given to bring in the Bill after the hour of midnight, and that it was also read a second time on the 17th of June, at an hour nearer one in the morning than twelve at night, it having on both occasions escaped the vigilance of the hon. Member for Salford (Mr. Brotherton), he thought that the hon. Member might spare his expression of surprise that a discussion should now take place. When the report was brought up at half past eleven o'clock, he (Sir R. Peel) made no objection, but he did take an objection to the principle of the Bill, and asked the Government to delay it, and he had said on the occasion —do not take silence as an acquiescence. He thought every precaution therefore, had been used, that the hon. Member should not be taken by surprise. The question was, whether the House would enact some temporary arrangement, as regarded the charitable trusts of corporate towns, or whether it would establish finally and irrevocably the principle, not only of popular election, but an indissoluble connexion between these municipal bodies and the administrators of those charitable trusts

The Bill before the House professed to be a permanent measure, not only from its professions, but from the nature of its enactments. If they once vested these reversionary interests in a popular body, and the interests of contingent remainders on these estates, they would be making an arrangement to place them practically beyond the reach of control, and a political body would have the control over these trusts. He agreed with the hon. Gentleman, that it would be preposterous to revive the old Corporations for the purpose of administering these trusts, and those who were opposed to the present Bill were desirous of disuniting the administration of the trusts from a political body, giving, as those who agreed with him on this subject did give, a strong proof of their disinterestedness. The power would be vested, if the amendment of the Lords to the Municipal Corporation Act Amendment Bill was not agreed to, in the Lord Chancellor; and if held by him temporarily, and until some permanent arrangement could be come to by Parliament, and until Parliament could consider what the arrangement might be, although the Lord Chancellor was a political character connected with the Administration, yet even upon that understanding as to the exercise of the trust, he would rather prefer it, than consent to pass this Bill, and thus establish a permanent connexion between political bodies and those who were to have the administration of charitable trusts. In the other case they would have the advantage by letting the matter stand thus, that it would be merely provisional; for no appointment of secretaries and clerks could be considered as making the arrangement of a permanent character, and it would be open to Parliament, in the next Session, to consider the whole subject of these trusts, and make some permanent arrangement with respect to them. He implored the House to consider the necessity of making some provisional arrangement with the view of preventing a connexion taking place between charitable trustees and these political bodies. The hon. Gentleman had referred to some passages in the Report of the Committee, tending to show the manner in which the charitable funds had been misapplied in the hands of the late corporations to political and interested purposes. He would, with the permission of the House read an extract from the Report of the same Commissioners on the same subject:—

"Other specific trusts are connected with charitable institutions and the administration of charity funds which are under the control of the corporate authorities. Here, again, we find mismanagement and misappropriation to a considerable extent. The patronage connected with these trusts has in numerous instances been exercised by the corporate authorities to gain or reward votes both at the municipal and Parliamentary elections. The instances given in the report are sufficient to illustrate the character of the abuses which are connected with specific trusts and patronage. They not only prove that the object of the trust has been lost sight of, but that a provision for the poorer classes of the community in the hands of the corporate authorities, has become a source of corrupt influence."

Was the House then to remain perfectly satisfied that under the system of popular election, which had been introduced into the management of corporation affairs, they would have an effectual security against such perversion of charitable trusts, and to precisely similar purposes, for the future? By the present constitution of corporate bodies, the members were almost invited to take part in politics. Although popular control provides many remedies for abuse, yet, where the passions were inflamed, and the struggle for political predominance was obstinate,—he would ask, did popular control afford any security against the perversion of power; and was it not likely that the same political feelings which had been roused at the elections of Members of Parliament, or members of the town-council would prevail when the same constituency was called upon to elect trustees to administer funds by which they expected to be benefitted? All the proceedings of this House had been directed to the removal of this abuse, because where patronage was possessed by a political body, it had been used for political purposes. It was no compensation for this evil to be assured, that in one certain borough the Whig party might predominate, and in another the Tory party might rule, over the administration of charitable trust estates, and that, therefore, on the aggregate, power would be apportioned fairly between them. The objection which he had to this principle was of a much higher kind. He had the same objection to the operation of political influence and patronage in the case of these charitable trusts, whether that influence were in the old Corporations or the new. He desired to prevent the future application of charitable trust-funds to political purposes, and to preclude the possibility of corruption in their administration from flourishing. The evidence already laid on the table of the House, in the Reports of the Charity Commissioners, fully showed, that placing the management of charity etates in the hands of individuals chosen by popular election afforded no check to practices which all must condemn. It was clear that where patronage existed, it would be exercised by either party for their own purposes; and this ought to be prevented, whether the patronage were vested in the Government or in popular bodies. In order to show the intimate connexion which by this Bill would exist between the town-council and the new trustees of charitable funds, he would merely remark that the constituency which was to elect them was to be precisely the same, and that the qualification for a town-councillor and for a trustee were also the same, with the exception that a clergyman might be a trustee, though he might not be a member of the town-council. Now supposing the parties to be fairly balanced in the election of trustees, and that half the number represented one party in the borough and the other half represented the other party in the borough, yet, as they were subject to annual change under the Bill, the one party or the other might gain, for a period, at least, the preponderance: and it was this liability to a constant change in the preponderance of the body that in his judgment formed one of the greatest evils of this Bill, and against which he wished to guard. By its provisions abuses would be perpetuated, though the power were transferred from one party to another. Would not those powers continue to be used for the promotion of political purposes? Why, the Bill provided that the town-council (a political body) should have a control over the trustees; for the books of the charities were to be always open to them, and they were to have, at all seasonable hours, access to them. The Bill contained another important provision, which went to establish even a still closer connexion between the corporate body and the charitable body—a provision to which he especially wished to direct the attention of the hon. Member for Southwark. He believed it to be a principle established beyond all doubt, that where there existed a surplus of a charity estate, over and above the amount specially directed by the donor to be applied to any particular purpose, in such a case the surplus should be disposed of as nearly as possible in accordance with the intention of the original donor—in other words, where by lapse of time, by change of circumstances, or from any other cause, the charity estates and revenues had increased, that in such case the increased revenues ought to be applied and devoted as nearly to the objects which the original founder had in view as might be consistent with the existing state of society, and with that view applications had sometimes been made for an Act of Parliament. But, what did the Bill propose to do with any existing surplus? The Bill enacted, that in every case in which the hereditaments or personal estate of which the charitable trustees of any of the said boroughs now stand seized and possessed, are chargeable for the purposes of the trust with a fixed sum, or with a charge wholly satisfied by less than the whole of the rents and profits of the real estate, or of the interest and dividends of the personal estate of which they are so seized or possessed, the whole estate was to go—how did the House suppose?—not to be applied according to the principle he had stated, to purposes of benevolence, of charity, or of education, as the case might be, but, "the whole estate, right, interest, title, powers, and liabilities of the said trustees in the said hereditaments and personal estate, should, immediately after the passing of this Act, be vested in the mayor, aldermen, and burgesses of the said borough, subject in the first instance to the charge created for the purposes of the trust." The clause did not contain one word as to the application of the surplus funds to purposes of charity, benevolence, or education. On the contrary the remainder was to be paid over to the borough fund, which was applicable to the purposes of lighting and watching. Provided there was a specific charge made in a will when that was to be considered as satisfied, the whole was to be transferred to the corporate body. Again, it ought not to be forgotten that the freemen, and those most interested in the charity funds, were not given, by this Bill, any voice in the election of the trustees, but the choice was given to those who, by establishing a certain fixed charge, as in the terms of the clause he had read, might gain the surplus, and by it save their own pockets from contributing to otherwise borough rates. On the construction of the clause many great and important questions arose. He would take one case out of many that might be cited. In Stratford-upon-Avon, for instance, the property of the corporation consists of two estates, one called the guild estate, and the other the college estate. This property was vested in the corporation by a charter of 7 Edward 6th The maintenance of an almshouse and a free grammar-school was expressly mentioned in the charter as the main object of this grant. The charter directed that 4*d.* each should be paid to the poor men in the alms-house, and that an annual stipend of 20*l.* should be paid to the schoolmaster. A further sum of 20*l.* was also, by the charter, directed to be paid to the vicar. It appeared from the Report, that the vicar complained to the Corporation Commissioners, that the charity trustees, did not make any increase to his stipend commensurate to the change in the times, the increased duties of his office, and the increased price of provisions. The Commissioners had, therefore, to inquire whether or not the claim of the vicar for an increase was well-founded; and in their Report they said—

> "We think there is an obvious distinction between a direction to pay a specific stipend for the express purpose of maintaining an institution, and a direction to pay a stipend to an individual without reference to an object to be maintained by such payment. In the former instance we conceive that the payments must be increased to the full extent of the revenues granted, if such additions become necessary for the proper and effectual support of the institution. In the latter case, the whole obligation is discharged by the payment of the specific sums directed."

On these grounds they held that the vicar had no claim whatever, though there existed a surplus. This was a case in point, and many other cases presented similar difficulties. He could not consent to a proposition embodied in the Bill, which, without carrying out the intentions of the original donors, transferred the means of patronage to a political party,—until, at all events, the subject shall have received much more consideration than as yet had been given to it. Let hon. Members bear in mind what took place last year with reference to this subject. A Select Committee was then appointed to examine and consider the evidence contained in the Reports of the charity Commissioners,—to devise the means proper to be adopted (and to report the same) for the more prompt, efficient, and economical administration of the charity funds of the country. The Committee made their report, in which, after stating their hope that early in the year 1837 the whole of the Reports of the Commissioners would be received, they suggested a remedy for the evils of the system which prevailed. That remedy, however, did not apply the surplus charitable revenues to the lighting, cleansing, or watching the corporate town in possession of the charitable estates, but had regard to the objects contemplated by the original founders. Neither did they recommend that the town-council should have the entire control (as under this Bill they would have) of the charitable funds. They reported:—

> "The last head of inquiry upon which your Committee are to report their opinion,—namely, the mode by which charity funds may be more efficiently, promptly, and economically administered,—comprises many considerations of great interest and difficulty. When it is considered that these funds amount to about 1,000,000*l.* per annum, it is obvious that their proper management and right application are matters of national concern, the more especially as the objects of their appropriation embrace, to a very large extent, the education and comfort of the people. The Committee, then, recommend that the superintendence, and in certain cases the administration, of all property devoted to charitable uses should be intrusted to a permanent Board of three Commissioners, or some other independent authority, on whom should be imposed the duty of superintendence and control over the administration of all property devoted to charitable uses; that such Board should have authority to summon before them all persons concerned in the administration of any charitable institution or funds; in case of necessity to appoint—and upon adequate cause established to remove—trustees; to prevent the sale, mortgage or exchange of charity property without their concurrence; to take care that all charitable funds be invested upon real or Government securities; and generally to authorise such arrangements as shall appear calculated to promote the object of the founder, and in cases in which that object is useless or unattainable, to suggest such other appropriation as may appear desirable."

The House must observe that the recommendations of the Committee were wholly at variance with the provisions of this Bill, which bore no similarity to the Bill introduced by a noble and learned Lord in another place, who had devoted much attention to the subject of charities, and whose state of health, which he regretted, had prevented his presence in his place during the present Session—he alluded to Lord Brougham. That noble and learned Lord introduced a Bill on this subject into the other House, and his plan was, that a Board of Commissioners should be created, to consist of the lord President of the Council, of the Lord Privy Seal, the Secretary of State for the Home Department, and of three other Commissioners, to be paid a salary and to be appointed under the sign manual. The noble Lord's Bill was silent as to placing charitable trusts under the management of individuals chosen by popular election; neither did it propose to appropriate the surplus revenues to the borough funds; on the contrary, it empowered those Commissioners to confer with the local authorities, for the purpose of applying the funds to the extension of charity and education. With all these difficulties in the way of a satisfactory settlement of this question, would any man venture to affirm that it would be wise, in the month of July, to come to a permanent arrangement, and especially an arrangement vesting the election of the trustees in the popular body? It would be much better to make some temporary arrangement, and to take up the subject early next Session. He wholly and entirely disclaimed any desire to have charitable funds applied to any political purposes whatsoever—but he objected to any permanent arrangement being now made, which would preclude full and ample consideration of the whole matter. What permanent arrangement ought finally to be made he was not prepared to say, but he must object, at this period of the Session, to proceeding with a Bill giving the control of those funds to popular bodies, and so completely at variance with the terms of the Report of the Committee, and with the provisions of the Bill introduced into the other House of Parliament by Lord Brougham. He did not impute to the hon. Gentleman opposite any desire to gain a party advantage. The question was one of a most important character; and, hereafter individuals would look to see how far the intentions of charitable benefactors of former times were regarded, and on that in a great degree would depend the extension of a similar bounty by benevolent individuals of the present age. He entreated the House to pause, and, by making some temporary arrangement, to reserve to themselves the opportunity of more fully considering the subject, and of carrying out the intentions of the original donors.

Lord *John Russell:* In considering the reasons given by the right hon. Baronet (Sir R. Peel), for disagreeing to this Bill, we cannot, I think, lay out of sight the question as to whose management these charitable trusts are to be committed. I consider that a most important point for us to determine; not that I mean to imply that the right hon. Gentleman has proposed any plan by which these trusts may in future be fairly administered for the benefit of those for whose advantage they were originally intended; but the right hon. Gentleman has asked us not to agree to this Bill, which is, I think, free from objection, and he has not proposed to us any other alternative; leaving it to be supposed that if we should agree, on his authority, to postpone this measure, we thereby agree to the propositions already made by the House of Lords—that the charitable trusts should be continued in the same hands as those in which they have hitherto remained. Now, I cannot but appeal to this House on the same grounds as those chosen by the right hon. Gentleman, and ask them to look to the view and intention with which these charities were founded; and in the same spirit he appeared to threaten the House that future donors would be careful how they left charitable bequests, if these trusts were allowed to be improvidently administered for other purposes than those to which they ought to have been applied. Sir, the purposes for which these charities were intended were, no doubt, great and benevolent; but we find by the Report of the Charity Commissioners, that so far from having been well applied, they have been applied, in numerous instances, to the promotion of political purposes, to advancing political parties, or for the sake of promoting the interest of one candidate for a seat in Parliament in preference to another; and we have now laid a plan before the House, the alternative of which is to leave these funds for another year in the same hands as those by which they have been thus mismanaged and misapplied. It is stated by the Commissioners of Charity—and it is important to call the attention of the House to the fact, after what has been stated by the right hon. Gentleman—that a solicitor of much experience in Corporations alleged that he had often known instances in which applications were made by individuals for the relief, under the 4*l.* charity, left by Sir Thomas White, that the poll-book of the previous election was produced before the applicant received any payment. A freeman was asked upon one occasion for whom he voted, and the answer not being in accordance with the wishes of the persons who had the distribution of this fund, this person was informed, "as you have not put any water in the mill you cannot expect any out of it." A freeman applied in the year 1833 for 4*l.*, under Sir Thomas White's charity, and when he stated that he had voted for Messrs. Ellice and Bulwer, the alderman who presided over the disbursement of those funds, "You had better, then, apply to Messrs. Ellice and Bulwer for the 4*l.*" The same course was adopted with respect to the charity in Northampton and other places. It is unnecessary to say, that Sir Thomas White was a truly respectable individual, and a member of the Merchant Tailors' Company, who, having amassed a large fortune by industry, expended it chiefly in acts of liberality and munificence for the benefit of industrious tradesmen, and to advance the cause of learning and science; and when it is said that future donors will be careful how they leave these charitable trusts, I do ask whether it is likely that Sir Thomas White intended that no man who voted for Messrs. Ellice and Bulwer should have the benefit of that part of the charity which was left by him in the city of Coventry? Yet this is in effect the proposition for which the right hon. Gentleman seemsanxious to secure the sanction of the House. Now, if the right hon. Gentleman had pointed out that the Bill which we propose is utterly defective in principle, and cannot be adopted, and had said that he was ready to propose, or could, a Bill which was quite unexceptionable and free from every taint of party politics, being framed solely with the view of the due administration of these charitable funds, then I might say, "Do not adopt the plan which we have received from the House of Lords, and do not continue these trusts for another year under the control of these corrupt Corporations;" but I should say, "Reject the Bill of my hon. Friend and adopt the better proposition of the right hon. Gentleman, that places the management of these funds in hands where they are sure to be well and safely administered." But, Sir, the right hon. Gentleman says nothing of the sort, he confines his objections to certain grounds of doubt as to the effect of the working of the Bill, and which grounds have nothing in them to prevent this Bill from being considered in Committee, where its details may be considered and amended. The right hon. Gentleman argues, that it is extremely objectionable that these trusts should be kept in such a manner as to place them in the hands of one political party, or for the purpose of giving one party an advantage over another. Now, that danger by no means follows as a consequence from this Bill; and the proposition now made is precisely the same as the principle which was laid down in the Corporation Bill of last year, with respect to the election of auditors and assessors, and in which, in order to give the minority a fair chance in the election of these officers, we laid down the principle, that unless the candidate whose opinions were in accordance with those entertained by the majority of the electors had more than double the number of votes given for the candidate of the minority, he should not be elected. I know several boroughs in which this principle has exactly answered the end of its application; and I know one borough in particular, which has a very liberal Corporation, and in which the majority holding liberal opinions, was a very strong one indeed, where the auditor who stood highest on the list was a Tory. The liberal party divided their votes, and one party having 500 votes and the other 400, the candidate of the minority had 400 in his favour, whilst the others had for one cadidate in their interest 300, and for another 200; so that the fact was that two gentlemen of one party having started the candidate who stood highest on the poll represented the minority of the electors. And the objection to such a plan as that which we now propose comes from men who, year after year, for twenty and thirty years successively, permitted abuses such as I have described to continue—permitted these charities to be perverted in such a manner, that if a poor householder applied for relief, be he ever so industrious, be he as worthy of the advantages which they conferred as he might, and be so reduced to a state of unmerited poverty by misfortunes over which he could have no control, yet, if he voted for Messrs. Ellice and Bulwer, he was deprived of the benefit it was intended to bestow on him. And this is the system which the right hon. Baronet opposite connived at; for during the period that his party was in power, we never heard of any proposition for the correction of those abuses; and, moreover, we never received any thing but opposition and resistance from that party when the subject of those corporate funds, which were applied to the most corrupt and unworthy purposes, was brought under the consideration of the House. Now, then, I ask, when a mode of election is proposed of twelve persons, for instance, in which it is probable that six will be chosen by one party and six by the other, is it fair for them to impute to us that we are proposing a political measure. I am glad to hear his approval thus given of the inference which I have stated, and should be rejoiced to have recalled to my mind all those instances in which the right hon. Baronet made motions for a reform with regard to these Charitable Trusts; in which he showed that Sir Thomas White's charity had been abused in Northampton, Coventry, and various other places for Tory purposes; and proposed to substitute a fair method of election. If the right hon. Baronet had proposed any such plan, all I can say is, it must have been brought in very quietly. For I am quite sure that, if any announcement of it was made, all the Reformers of this House would have come down in a body to support him against those of his friends who might have opposed him on that occasion. I do not consider it advisable to intrust these charitable trusts to the municipal councils; and when the Bill last year was under consideration, I stated, that what might be, and in all probability would be, a political body, should not be allowed to have any control over these concerns. But I certainly was of opinion that the mayor, chosen as he would be under the new state of things, should preside over the body of trustees, because, in the first place, he stands alone in an eminently responsible situation; and in the next place, because, as he is to act with those who are equally divided in number as to political sentiments, it is impossible but that any political partiality on the part of the mayor at the head of these charitable trustees should be pointed out. Therefore I think, being so marked, so pointed out, and being a man trusted with the confidence of his fellow-citizens, as well as, no doubt, a man of particular political opinions, yet one, as we must suppose, of independent character, and being moreover a man having to act with persons of different political opinions, we may, I say, fairly trust the mayor, as one who will act properly in this capacity, and whose conduct will not stand in great chance of being impugned. But the right hon. Baronet says, that by the mode of election which we propose we give to the majority an undue preponderance over the minority. Why, I have already shown that in the case of the election of auditor, the person succeeding has been the representative of a minority of the inhabitants; but if there be found, on experience, to be any weight in the objection of the right hon. Baronet, and if danger is apprehended on this hand from the result of the two first elections, I am quite ready to adopt any of two or three plans by which the difficulty can be obviated. One of them is, that instead of obliging one-third, namely, those who have the smallest number of votes, to go out at the end of the third year, that they should go out by lots, or that the third should be composed of those who had the largest and smallest number of votes. Another is, that all—no matter by what number chosen—shall continue for the same period. In short, there are numerous ways to cure this defect, and totally prevent any such danger. There is another matter which the right hon. Baronet laid great stress upon; but, unless I mistake the object and scope of the clause to which he alluded, I think he has not judged correctly of the power which it gives to the municipal bodies. The cases for which that clause was intended to provide were those which had not been sufficiently provided for in the Municipal Bill. One of the cases was, where a corporate body was left a certain estate, with a condition attached to it that a certain portion should be applied to corporate purposes. Now, let the case of a certain estate be taken which produced 1,000*l.* a-year, and the condition annexed to which was, that four alms-men should be paid two pounds a-year each; would it be right, that because this fixed payment of eight pounds was left for the benefit of four alms-men, that the remaining 992*l.* should likewise be placed under the disposal of the charitable trustees? That was the class of cases which the clause was intended to meet, since they had not been sufficiently provided for by the Municipal Act. Where a fixed sum is only now chargeable on an estate for charitable purposes, it is intended that when all other purposes shall be satisfied the property shall be placed in the hands of the corporate body, and not in those of the trustees. Undoubtedly that is no new provision; it is one, in accordance, I believe, with the decisions in the Courts of Law and Equity; at all events it follows as a natural consequence from our laws. The right hon. Gentleman may say, and to a certain extent I concur in the view, that it is possible that wher ea certain amount of property has been left for a particular purpose (such, for instance, as to keep a school), that we ought for the future to interpret such a legacy with a view to what was the provision of the donor, and not be satisfied with seeing that the mere letter of the will is complied with. Though, as I have said, I agree in general with that view, I think it ought to be carried into effect with great caution. I think there is great danger in giving unlimited power by Act of Parliament or otherwise, to say, "such was the intention of the donor," or to say "we must apply this charity to a greater extent than it is at present." This however, which is an important question, does not come fairly under discussion on this Bill, but it is one which must be considered by Parliament when the whole question of charitable trustees is submitted to it. That is a question which applies not merely to estates in the hands of corporations, but to estates in the hands of all other charitable trustees whatever. I certainly was much surprised at the argument advanced by the right hon. Gentleman, that, because Lord Brougham intended to bring in a Bill which contemplated a general supervision of all charitable trusts, they were, therefore, to postpone the present measure. Why, the right hon. Baronet has himself stated, that no such general supervision as that Bill contemplated was necessary, and that extra powers in the Secretary of State would be quite sufficient to answer every purpose. In fact, the right hon. Baronet threw out so much of doubt respecting it, that I had a right to expect that it would meet with the right hon. Baronet's opposition. The right hon. Baronet now seems to think it a very excellent Bill, as he can use it to defeat the present measure, whilst the other might be without difficulty either taken up by him or be abandoned in a future Session, as might best suit his views. This Bill is directed only to a particular object; it will not at all interfere with any general measure that may be brought forward in a future Session, and I see no reason to reject it, unless some better plan be proposed. Indeed, the only alternative offered us is, either to involve the management of corporation charities in Chancery, or to concur in the spirit of the amendments of the House of Lords, and continue the corporate trust funds for another year in the management of the old corporators—who have done so little for education, and so much for Tory candidates. The arguments against the principle of the Bill have no foundation in point of fact. The objections are objections of detail only, whichcould be remedied in Committee, and under these circumstances I must call on the House to go on with the Bill, and after having heard the objections made, to compare it, as regarded the means to effect its object, viz., the management of corporate charitable trusts apart from political purposes, with the no plan of the right hon. Baronet, and with the abuses which existed under the old corporations. If the House institute that comparison, they will be ready, I am sure, to go along with me in opinion that this Bill will be an adequate remedy for serious evils.

Sir *James Graham* thought, that hon. Members on his side of the House had some reason to complain of the statements of the noble Lord. It was not correct to charge those on that side of the House with being pledged, or with entertaining any desire, to uphold the abuses of existing corporations respecting these funds. It was not denied that much mis-management and abuse had existed under the old corporations, nor that the time was now come when a sufficient remedy must be provided. All that was wished was, that a well-digested, not a tardy scheme should be adopted, and that if, as a temporary arrangement, the suggestion of the House of Lords did not meet the views of the noble Lord, he should, until Parliament should be able to provide more efficient general measures, place the temporary management and control of these funds in the hands of one of his own colleagues, the Lord Chancellor, in whom the noble Lord surely must have confidence, and in whom, from his high legal responsibility he (Sir J. Graham), though not too ready to place confidence in the noble Lord's colleague, was, in this respect, well disposed fully to confide. Why should not a temporary arrangement of this kind be assented to, when the very professed object of the Bill was to satisfy all parties that no political advantage should be given to either party. There was, nevertheless, a very strong feeling entertained by one party, that a predominance would, in point of fact, be given by the Bill to the party opposed to them. The trustees were to be chosen by the same persons as those who chose the town-council; the town-council was to fix the number of the charitable trustees; the presiding officer of the town-council was to be the presiding officer of the charitable trustees, and in the event of an equality amongst them even, he would give the preponderance to the wall of his own political party; and yet it was pretended to say, that no advantage was given by the Bill to the predominant political party in the borough. These details, however, were nothing to the great question of principle at stake, and which they had to guard against, lest the Bill which the noble Lord brought forward as a remedy for old abuses should turn out to be nothing more nor less than a means of perpetuating them for the future, under the specious garb of equality. It was said, however, that for any abuses under the Bill, there was a remedy by a suit in the Court of Chancery; but that was not Lord Brougham's opinion, and he was a high authority on the subject; for, said that noble and learned Lord, alluding to the measure which was at that period before the House, for settling charitable trusts belonging to corporations, "If this property be not settled this Session, the trustees may sell it, and there would be very great difficulty to get it back. It is true that a remedy may be had in the Court of Chancery; but the proceedings in that court are so operose, that the trustees do not care for them." Now, all they (the opponents of the Bill) asked was, that the operation of these trustees should be suspended for one year; if the noble Lord rejected that, he had the alternatives already mentioned. He must repeat, that the principle of vesting in the borough fund the "surplus," a fashionable term of modern date, of a fund on which a sum was charged for charitable purposes, was neither more nor less than giving a benefit to the rich at the expense of the poor.

The *Solicitor-General* said, the object of the Bill was to secure fair and impartial trustees. If it did not secure that, he would admit it was a failure; but if it did give that security, he must support it against the no plan of the other side. It was said, that this would identify the town-council and the charitable trustees. He would admit the constituency was the same, but the mode of election was so different, that it would give a full and fair representation of the minority as well as the majority. They were told, that they had the alternative of placing those trusts under the care of the Lord Chancellor. No doubt the Lord Chancellor had the power of appointing trustees, but not, however, in his political character as Chancellor, but in his character as a Judge of the Court of Chancery, after a suit had been commenced in the ordinary way. Upon the advantage of seeking a settlement of property in that Court, he need not remind the House about the litigation for the oyster, which terminated in the fish being consumed, and the litigant parties were left to contest the choice of the upper or under shell. But suppose it was to be sent to the Court of Chancery, it would be referred to the Master to name trustees, and the probability was, that he would name six from one side, and six from the other; and thus do, at a great expense of time and money, what the present Bill enabled the parties to do for themselves. As to the mayor being at the head of these trustees, he did not see that it was in any degree objectionable. There must be an odd member somewhere, and the mayor would have only the casting vote when parties were equally balanced; and he knew no person better qualified to exercise this power than the mayor. They were told, that this was at variance with Lord Brougham's Bill. But Lord Brougham's Bill related altogether to a different question. This Bill only dealt with charitable property in the hands of corporations; Lord Brougham's had reference to the great mass of property invested for charitable purposes in the country. It was said, that the 8th Clause would take that which belonged to the poor, and give it to the rich. If it could be shown, that it would take even one shilling from the poor, he would withdraw his support from the Bill. If there were any obscurity in the clause, he was sure his hon. Friend would not object to any amendment which would make it more clear. It was clear, *ex concesso*, that the old corporators were not the fittest trustees, but, except what this Bill proposed, there were no better proposed. If any better or more impartial could be named, he was ready to adopt the proposition for their appointment; but as there were none, he must support this Bill.

Mr. *William Williams* had no objection to the general enactments, of the Bill, but he would wish that the freemen, who, as in the case of Coventry, had a great interest in the corporate property, should be allowed to vote for trustees. If the right hon. Baronet opposite would move, that the freemen of Coventry should have a right to vote for the charitable trustees, he would willingly support the proposition.

Mr. *Harvey* said, that the present Bill was the inevitable result of corporate reform, and whatever objections might be urged to it, and those objections were not few, he nevertheless thought that any change from the former system must be an improvement. His object was to see that the charitable funds should in future be protected and honestly administered, and any corruption in their management would not be the less objectionable to him, because it might be practised by Whigs in the place of Tories. He was pleased to hear the hon. and learned Solicitor-General in the course of his speech ridicule the idea of any application being made to the court of which he was so great an ornament, for the purpose of getting property administered. The hon. and learned Member's remarks on that point confirmed the opinion which he had always entertained; but he wondered that that hon. and learned Member, being as he was a law reformer, should have slumbered during two sessions with all the weight of his practical knowledge on his mind, and permitted every opportunity to pass for making some experiment in that House for the abatement of what must be considered by all persons as a great nuisance. The question for the House now to discuss was, to what hands should the administration of charitable property belonging to corporations be confided? In his opinion, that property should be confined strictly to the charitable objects for which it was granted by our ancestors, and the medium through which that property had hitherto been distributed, ought as little as possible to be departed from. If a donor had given land or money to a corporation, constituting that body the guardians of the property, he did not think it would be right to place its guardianship in an entirely different body. Therefore, he thought it desirable, if practicable, that the administration of the charitable funds should be continued in corporate hands. But then it would be necessary that the corporations should be made subject to some supervision; otherwise party and political feeling might interfere in the management of the charitable funds. It had been said, that nothing could be better than to give the mayor a control over the funds. That officer had been described as a wonderfully impartial person, and blind like justice. Now, in his opinion, of all the partisans in a town the mayor was the most decided. Still, if the corporations should be placed under the supervision of some authority, some permanent and responsible board, hereafter to be created, he should have no objection to leave the administration of charitable property in their hands. With respect to the 8th Clause, he must observe, that the object he wished to see accomplished, would not be attained by that provision. It frequently occurred, that property left for a charitable purpose some centuries ago, had since greatly increased in value. The best mode of proceeding in such a case was, he thought, not to distribute the augmented property among precisely the same number of persons to which its application was originally restricted, but as far as possible to extend the number of persons interested in the charitable fund, and to confine its administration to such objects as were evidently in conformity with the intentions of the donor. He would illustrate his meaning by referring to the instance of Sir T. Morden's charity. The property originally left to constitute that charity was sufficient to allow of forty decayed merchants receiving the sum of 30*l.* a-year each. The property soon accumulated in value, so that every person benefited by the charity might have received 40*l.* a-year, and at the present moment as much as 70*l.* a-year. The question then was, whether 70*l.* a-year should be given to forty persons, or whether the number of persons benefited by the charity should be increased to sixty, and 50*l.* a-year given to each. He thought the latter would be the better course to adopt. Such, at any rate, would be a fairer mode of proceeding than that which had been followed with respect to a charity at Colchester. Some benevolent individual had, many centuries ago, left a certain amount of property, the produce of which was to be distributed in the following way:—1*s.* 6*d.* per week to be given to five poor persons, and the remainder of the revenue (7*s.* 6*d.*) to be paid over weekly to a chaplain who undertook the care of these poor persons' souls. In those days money was of considerably greater value than at present, and 1*s.* 6*d.* per week probably enabled the five poor objects of the charity to supply themselves with many of the necessaries of life. But the revenue derivable from the charitable property soon swelled to 400*l.* a-year, and the clergyman took the whole amount, *minus* 1s. 6*d*. a-week, which continued to be paid to five poor persons. The matter was, however, litigated; but the Court pronounced in favour of the clergyman, because the souls of those poor persons had to be taken care of by him; and decided that 1*s*. 6*d*. per week was enough for their bodies. So much for the tender mercies of a court of equity! With respect to the Bill under consideration, he would propose that nothing contained in it should give to the corporations greater rights or interests than they otherwise would have. If such a provision as that could not be adopted, he should certainly vote against the Bill. He concluded by repeating, that he was opposed to corruption, whether practised by Whig or Tory; but he had hoped, that, in the sacred cause of charity, and in a matter so deeply affecting the interests of the poor as that under the consideration of the House, all party feeling would have been extinguished. He confessed, however, that in this particular he had been much disappointed.

Mr. *Pemberton* concurred with the hon. Member who last spoke, in thinking it a pity that so much party spirit had been displayed on the present occasion. With respect to the Bill before the House, the question to be considered was, whether it contained the best plan that could be devised for the management of charitable property? The great evil of the old system was, that political considerations mixed themselves up with the administration of funds intended for the purposes of charity. Now, the plain remedy for that evil was, he thought, to take the administration of charitable funds entirely out of political hands; but this the Bill would not do. He considered it very objectionable to make the charitable trustees subject to removal and election, as proposed by the present Bill. He believed it would be found, in nine cases out of ten, that the electors of those trustees were more interested in the mal-administration than in the good-administration of charitable property. The great abuse of the charitable funds was their application to the relief of the poor-rates; and as, under the present Bill, the electors of the trustees would be the rate-payers, they would be directly interested in diverting the charitable funds from their proper purpose, in order to exonerate themselves from the payment of some portion of the poor-rates. He differed in opinion from the hon. and learned Solicitor-General, who thought that a Master in Chancery, if he had to appoint charitable trustees, would choose six men of one party, and six men of the opposite party. He, on the contrary, felt convinced that a Master in Chancery, having such a duty to perform, would select twelve men wholly unconnected with borough politics, and having no direct interest in the amount of the borough-rates. He considered it of importance that the trustees should not be subject to removal and election, but that a regular and permanent system should be established. He, therefore, felt bound to oppose the present Bill.

Mr. *Lechmere Charlton* admitted, that if no bill on this subject passed into law, the result would be a series of expensive suits in Chancery, by which the objects of the charities would be greatly prejudiced. On the other hand, he feared that the effect of passing the present Bill would be, by the casting vote which it gave to the mayors, to vest in them the whole of the charitable estates in the kingdom. He saw nothing improper in the proposal to allow the late corporators to have the control of charitable property for one year longer.

The *Attorney General* would occupy but a very small portion of the time of the House, and indeed after the explanations that had been already given with respect to this Bill, but little remained to be said. It could not be denied that the present state in which charities were placed was most deplorable. The object of this Bill was to rescue charities from their present most lamentable condition. If the House did nothing to remedy these evils they would be guilty of great injustice. If they did not adopt the system proposed by this Bill, the consequence would be, that the charities must either be administered by the individual members of the old corporations, or they would fall entirely into the hands of the Lord Chancellor. It was allowed on all sides that these individuals, the members of the old corporations, had discharged their trusts by no means beneficially towards the public. Why not rescue these charities from maladministration? These trustees had shown themselves unworthy of the trust reposed in them, and it was of the last importance that power should be taken from them. What would be the consequence if this Bill were thrown out? The arguments that were used on the present occasion would hold equally good in another Session of Parliament. They were told, that if they would only leave this power to those individuals one year longer, that something would be done at the end of the year, or at least before the Session expired. But they might go on this way from year to year, and he was afraid (he did not wish to impute improper motives, but he had a suspicion) that there was a lurking desire on the part of hon. Members opposite to perpetuate the misrule of those charitable trustees who had so disgraced themselves. What did the abuses complained of arise from? Was it not from the old corporations—the system of self-election, where there was no control or responsibility? What did this Bill propose to do? It placed these charities under popular control—it provided that all the acts of the trustees should be published, and that they should be subject to the examination and revision of their fellow-townsmen. The allegations that the abuses of the old system would be continued under the present Bill were wholly unfounded. The object of the Bill was the obtaining the most fit and proper persons to fill the situation of trustees, and that he thought could be best attained by giving the rate-payers the power of election. He hoped that hon. Members opposite would not divide the House on the Bill, but that it would pass unanimously, and that it would receive elsewhere, notwithstanding what had fallen from an hon. Member opposite, that support and consideration which it deserved.

Mr. *Scarlett* could assure the hon. and learned Attorney-General that there was no desire, either on his part or on the part of those hon. Members with whom he acted, to perpetuate the misrule of charitable trustees. All they desired was, that this should be a fair Bill, and that it should provide that charities should be fairly administered. He protested against a measure of so much importance being brought on at so late a period of the Session, when it was impossible that it could receive that full and calm consideration which it required.

Colonel *Sibthorp* had come down to the House with the intention of voting that the further consideration of this Report be deferred till this day three months, and he had heard no argument sufficient to induce him to alter his opinion. He would therefore move that the Report be received that day three months.

Mr. *George F. Young* said, that the professed object of the Bill was to relieve charitable trustees from being swayed by political influence. If the Bill had that effect, he certainly should have felt bound to support it. He regretted that after the most attentive consideration which he had given to the Bill itself, and to the arguments of hon. Members on the Ministerial side of the House, he found himself quite unable to come to such a conclusion. He felt, therefore, bound to oppose the Bill.

Mr. *Vernon Smith* feared that it was an opposition to the general principle of the Bill that was lurking in the bosoms of the hon. Gentlemen opposite that induced them to oppose the Bill in its present stage. He feared that the real ground of the opposition of hon. Members opposite was the elective principle of the Bill —that principle which gave to the people the power of choosing such persons as were fit, from their integrity and independence, to exercise beneficially the trust that would be reposed in them. But the opposition of those hon. Gentlemen was confined to cavil and objection—they had not brought forward any plan of their own in lieu of the present. Before any division took place, he begged to remind the House that they were willing in Committee to concede any points that should be found reasonable. With respect to the casting vote of the mayor as chairman he was ready to listen to any suggestion for the substitution of a different chairman. He would suggest that the council should elect a chairman, and that if they failed to do so within a month, then the trustees should elect a chairman themselves.

Mr. *Harvey* wished to inquire of the hon. Member for Northampton (Mr. V. Smith) whether he understood him to say that when the Bill was committed it was his intention to introduce certain words into the 8th clause, to the effect that nothing in the clause should prejudice the rights of parties to any surplus.

Mr. *Vernon Smith* had no intention.

The House divided, when the numbers were, on the original motion, Ayes 133; Noes 88; —Majority 45.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Anson, hon. Colonel
Baines, E.
Baldwin, Dr.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Beauclerk, Major
Bernal, R.
Bewes, T.
Biddulph, R.
Bish, T.
Blake, M. J.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bulwer, H. L.
Buxton, T. F.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Captain
Childers, J. W.
Clay, W.
Clayton, Sir W.
Curteis, E. B.
Dalmeny, Lord
Dennison, J. E.
D'Eyncourt, rt. hon. C. T.
Donkin, Sir R.
Duncombe, T.
Ebrington, Viscount
Elphinstone, H.
Euston, Earl of
Evans, G.
Ewart, W.
Ferguson, R.
Fielden, J.
Fitzroy, Lord C.
Fleetwood, P. H.
Gordon, R.
Grey, Sir G.
Hall, B.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hobhouse, right hon. Sir J.
Hodges, T. L.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutt, W.
Kemp, T. R.
Labouchere, right hon. H.
Leader, J. T.
Lee, J. L.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lushington, Dr.
Lushington, C.
M'Leod, R.
M'Namara, Major
M'Taggart, J.
Marjoribanks, S.
Marshall, W.
Maule, hon. F.
Morpeth, Viscount
Murray, rt. hon. J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Palmer, General
Parker, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W. W.
Pinney, W
Ponsonby, hon. W.
Potter, R.
Poulter, J. S.
Price, Sir R.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Scholefield, J.
Seale, Colonel
Smith, B.
Stuart, R.
Stewart, P. M.
Strutt, E.
Stuart, Lord J.
Stuart, V.
Talbot, C. R. M.
Talbot, J. H.
Tancred, H. W.
Thomson, right hon. C. P.
Thompson, Colonel
Thorneley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. J. K.
Verney, Sir H.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Whalley, Sir S.
Wigney, I. N.
Wilbraham, G.
Williams, W.
Wood, C.
Wood, Alderman
Wrightson, W. B.
Wyse, T.

TELLERS.

Smith, V.
Stanley, E. J.

List of the NOES.

Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Attwood, M.
Baring, W. B.
Becket, right hon. Sir J.
Blackburne, I.
Blackstone, W. S.
Borthwick, P.
Bramston, T. W.
Brownrigg, S.
Buller, Sir J. Y.
Campbell, Sir H.
Chandos, Marquess of
Chapman, A.
Charlton, E. L.
Chisholm, A. W.
Codrington, C. W.
Cole, hon. A. H.
Corbett, T. G.
Darlington, Earl of
Duncombe, hon. W.
Eaton, R. J.
Egerton, W. T.
Egerton, Lord F.
Elley, Sir J.
Estcourt, T.
Fielden, W.
Forbes, W.
Fremantle, Sir T.
Gladstone, T.
Gladstone, W. E.
Gordon, hon. W.
Gore, O.
Goulburn, rt. hon. H.
Gresley, Sir R.
Hamilton, G. A.
Hardy, J.
Hogg, J. W.
Hotham, Lord
Hoy, J. B.
Inglis, Sir R. H.
Jones, T.
Knatchbull, right hon. Sir E.
Knightley, Sir C.
Lawson, A.
Lees, J. F.
Lewis, D.
Lincoln, Earl of
Lowther, hon. Col.
Lowther, Viscount
Lowther, J. H.
Maclean, D.
Mathew, G. B.
Maunsell, T. P.
Miles, W.
Nicholl, Dr.
Norreys, Lord
Palmer, R.
Palmer, G.
Peel, right hon. Sir R.
Pemberton, T.
Penruddocke, J. H.
Plumptre, J. P.
Praed, W. M.
Price, S. G.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rushbrooke, Colonel
Sandon, Viscount
Scarlett, hon. R.
Sibthorp, Colonel
Somerset, Lord E.
Somerset, Lord G.
Stormont, Viscount
Thompson, Alderman
Trevor, hon. A.
Twiss, H.
Vere, Sir C. B.
Vesey, hon. T.
Wall, C. B.
Wynn, right hon. C. W.
Yorke, E. T.
Young, G. F.

TELLERS.

Clerk, Sir G.
Ross, C.

Report taken into consideration, and agreed to.

ESTABLISHED CHURCH.] Lord John Russell moved the order of the day for the third reading of the Established Church Bill.

Mr. *Hume* hoped the noble Lord would not press this Bill. This was only one of three Bills, two of which had been brought forward only a few days ago. If the noble Lord pressed the order of the day, he should move the adjournment of the third reading for a fortnight.

Lord *John Russell* could not acquiesce in the suggestion of the hon. Member. It was useless to postpone the Bill for a few nights. If the question was between not reading the Bill to-night and postponing it till next session, he should prefer the latter.

Mr. *Hume* said, it was impossible that the Bill could pass, and if the noble Lord expected it to pass to-night he would find himself very much mistaken, and if it did pass it would do great injury to the cause which the noble Lord professed to advocate. The country had his Majesty's recommendation, and the pledges of the noble Lord and his predecessors, as to the removal of the church rate, which produced differences in parishes tending to place the Church itself in danger. From anything he could learn from persons in the Church, the measure brought forward by the Government was deemed harsh and ill-considered. The dissenting interest and many church men desired a reform; and if this Bill went elsewhere, it would be found too good not to come back. He entreated the noble Lord to listen to what he said, and not only he, but almost every body on that side of the House. This was only part of a system of reform, and in order to give his Majesty's Ministers an opportunity for reconsideration, he moved that the third reading of this Bill be postponed till this day fortnight.

The *Speaker* said, it would be more regular if the order of the day were first read.

The order of the day was read. On the question that the Bill be read a third time,

Mr. Hume moved, that it be read this day six months.

Mr. *Lennard* complained that this question, which formed a whole, had been brought forward in different Bills, so as to make it embarrassing to collect the entire scope of the Government. The present Bill professed to regulate and fix the future incomes of the Bishops. Another Bill was before the House, which gave the Bishops a great increase of patronage. Suppose the Lords rejected this Bill, and passed that giving the patronage? There were many defects which might be seen if the measure came forward at once, but which escaped notice when the details were thus dispersed. There was yet a want of information to enable Parliament to legislate. He found in the Report respecting the see of London, that it had an income of 13,000*l.*, which was said to be likely to decrease; but looking to the large towns which were growing up about Hyde Park, with large ground rents, he thought the income was likely to increase. Another objection was, that the Bill did not contain any provision for the surplus, if any should arise on the sees in future; it only provided that the larger sees should contribute to a fund towards the lesser, to a certain amount; but what was to become of the rest? There was only one benefit conferred by the Bill, that of depriving Bishops hereafter of holding livings *in commendam*; but in return there was the evil of translation and the inequality of incomes. But when Parliament was going to restrict the allowances to the Bishops, why not make an arrangement in respect to the larger livings? There were 5,000 livings under 200*l.* a-year, and a great many under 50*l.* On the other hand there were livings with enormous incomes. In the diocese of Durham there was one of 4,800*l.* a year; another of 3,300*l.*; others of 2,000*l.*, 1,500*l.*, 1,200*l.*, 1,000*l.* In Canterbury there was one of 3,000*l.*; in London one of 1,590*l.*; and so on. Why neglect the opportunity to equalise livings, by increasing the smaller from the larger? He could assure his Majesty's Ministers, that the Dissenters in the country were resolved to take the matter of church-rate into their own hands, and the Government would then find, that they would be obliged to abandon such measures as this.

Sir *Robert H. Inglis* said, it was clear that this Bill did not satisfy two large bodies in this House: for the one, it went too far; for the other, not far enough. He opposed it, because it gave a vantage ground to those who thought that it did not go far enough, and who, in his judgment, sought the overthrow of the whole system of the Church. For the first time, in respect to England, by an Act of the Legislature, unsanctioned by the Church itself, it recognised the principle, that Church property was public property. He was himself very unwilling to occupy the attention of the House; but he was still more unwilling to admit such a Bill to pass without finally recording his opposition to its principles and its provisions. On two former occasions, indeed, he had requested the attention of the House to his opinions upon the subject; but on those occasions he had expressed rather the respectful sorrow which he felt when he considered the authors of this Bill, than the deep aversion which he entertained for the measure in itself. The speech of the hon. Member for Weymouth on a late occasion, which, as he had himself spoken earlier in the debate, he could not then notice, left him no option, but compelled him now at once to state distinctly his views upon the question. From that speech it appeared that his forebodings as to the effects of the Bill were realised, even while the Bill was still itself in progress. He told the House that he was not satisfied with it, and required more; another proof (if, after the experience of the last eight years, any were wanted) of the folly of attempting to satisfy enemies by concession. That hon. Member (without one word of praise, — praise which he, at least, might have afforded to bestow on the Church reformers within the Church—their individual characters he praised, but not their Bill—proceeded at once to consider, that the property of the Church was now, by the confession of its leaders, public property, which an Act of Parliament might equitably take, and redistribute. Under these circumstances it became his painful duty to oppose this Bill, not only as evil in itself, but as the foundation and justification of other evils. He did not deny the excellency of some of the objects contemplated by the hon. Member for Weymouth. He admitted the lamentable poverty of some of the ministers of the Established Church; but the destitution of one body of the Clergy, which he regretted, was not to be relieved by a kind of legalised robbery of another. If the destitution existed, let it be remedied by other means. The Church of England had not been endowed by the State. He knew the meaning of the cheers which here met him; and was prepared to answer the argument which they implied, in one word—the State, at the Reformation, did no more than confirm the measures which the Church, individually and collectively, had previously adopted. The State, therefore, had no right to interfere with the property which the State had not given to the Church. And how was the amount of that property ascertained in the present day? By a Commission, the least evil of which was, that it was the origin of the present measure. He had himself objected, in the first instance, to that Commission, as an inquisitorial proceeding into the property of one class of the King's subjects, which would not have been tolerated in another, and as sanctioning the principle, that such property rested on different grounds. He had never denied that, if the clergy had sought aid, they might fairly have been required to state, in the first instance, what their own existing means were. But they had asked nothing, and ought not to have been required to make those returns upon which the present Bill, and its companion Bills, were founded. He stated this with great and sincere regard for the Ministers who had advised the present Commission, and with the highest consideration for those who composed it. But in justice to himself, he must add, that his opposition to such a Commission did not commence with the last change of Ministers. He had objected to it when it was framed by his Friends, and consisted of his Friends only. He objected to their Report, when it was signed by none but those in whose political principles he concurred. There was no precedent for such a commission in any good age of the ecclesiastical history of England; but, if its labours had been limited into an inquiry into the destitution of the great towns, and into the duty of providing, out of the national funds, a just extension of the means of religious worship, according to the national faith, he would have gladly accepted its recommendations. If, in short, it had called upon the nation to do, what as yet the nation had never done (never, till within the last twenty years, withthe exception of the churches, voted, but not built, in the reign of Queen Anne, never, in short, devoted any part of the national revenue to the promotion of the national Church), he would have rejoiced in the authority given to such a proposal. But when he found, that the Commission proposed to re-constitute all the dioceses of England; to abolish three of its sees; and with two exceptions, to redistribute all its Episcopal revenues, he felt unmitigated regret and aversion at the contemplation of the measure. He had referred to the suppression of the Sees; he must particularise that of Man; which the sanctity of the name of Wilson ought to have been sufficient to protect—a see amongst the oldest in the empire, and the benefits of which have been, and are, most important to the people. At one time he had, indeed thought of introducing a clause to save this Bishoprick; but in this House the attempt would be fruitless. In these observations, he limited himself to the single Bill before the House,—without adverting to the companion Bills founded upon the Reports of the same

Commissioners. To parts of those other Bills he had the strongest objections; but he was bound to own, that his great objection was to the principle which would be recognized by the passing of the first—the one now in progress. He would not advert, on the other hand, to any other remedy which might have been applied, in lieu of the proposed measures: though such remedy might be found in the internal economy of the Church itself. But nothing seems to have satisfied the Commissioners, but the retention of the identical number of Bishops, and the subdivision of all their sees, and the re-distribution of all their revenues. This, at least, is the substance of their Report. He was not prepared to deny, that if the matter were *res integra*, if we were now, for the first time, to divide England into dioceses, it would be better to make some alterations. But this was a minor point. His great objection was, that it subjugated the Church in its property and in its regulations to the control of the State; and, as he had stated on a former occasion, changed the character of the Prelates of England from great proprietors to stipendiaries. He did not deny that this might be done by the wisdom and the might of this House; but he did deny the right. He would admit that there were poor benefices which he would desire to see raised; but he would not admit that there were richer Bishopricks than the constitution and circumstances of civil society in England render desirable. He would contend that the Archbishop of Canterbury, for instance, had not more than enough for his obligations, not more than enough for his rank, not more than enough for his positions in comparison with those who are his associates in the other House; and let it always be recollected that, whatever be the wealth of these higher stations in the Church of England, it is open, in fact, to all the people of England. His right hon. Friend near him (Sir R. Peel) had lately referred to those who now fill the five great sees of England. He might refer to those who had filled them from the Reformation downwards, and might easily prove how few persons of noble birth had been placed in those eminences, and how open they had been to the humbler of the clergy. For the first two centuries, no one of noble blood had been raised to Canterbury;—from the Reformation to the time of the present Archbishop, no such had been found in York. In London there had never been one, with the exception of Henry Compton,—but his greatest objection remained. It was true, that it was not as yet proposed to appropriate to any other than ecclesiastical purposes the ecclesiastical funds of England; but those funds were to be re-partitioned without any regard to the intentions of the donors. He had already said, that the state was not among those donors—they were the prelates and those nobles of other ages. He would take an example, which he had often quoted in private conversation, the case of Adam de Beke, the great Bishop of Durham, six centuries ago. He chose to leave his estates to that see. He might have left them (he would not say, to the ancestor of the Earl of Durham, for he admitted that there was a distinction between individual and corporate property,—but) to the corporation of Durham. Would the House in this day, have said, did it say, in any analogous instance—the corporation of Durham is rich, the corporation of Bristol is poor—give of what is called the superfluity of Durham to the poverty of Bristol. The answer was obvious: if Bristol be poor, and, for national purposes it be thought right to enrich it, it must be done from national funds, and not from the funds of any one other corporation. The principle was fatal to the security of all property; and the argument was as strong in the case of a bequest 600 years ago, as if it had been made ten years ago. In fact, if any one will were not safe, where would the Legislature stop in changing the distribution of private wealth? If it were obviously illegal and unjust to take from a lay body, could they justly seize upon the revenues of an ecclesiastical corporation? The hon. Member for Weymouth talked of assigning income to the Archbishop of Canterbury: and said, "Before I will *assign* 15,000*l.* a year to him, I must first relieve the poor curates; and provide for the destitute districts." He applauded both these objects; but he denied the right of the hon. and learned Member to promote either in this way. The funds of the Archbishop of Canterbury belonged in perpetual succession to that see:—they were held by an older title than any which any layman can show for any property in his possession:—they were gifts to that see; sometimes, it was true, gifts of kings:—of kings, however, in their then character of the great proprietors of the soil: but in the greater number of instances, of Bishops and pious laymen.—The see of London was endowed in the same way; and the estate at Fulham had belonged to the Bishops by gift, from the 7th century. Yet it was with property such as this, that the hon. Member for Weymouth dealt, as with a set of playthings which he had himself purchased. When listening to the hon. Member for Weymouth, he thought of Sir Edward Dering, and of Sir Harry Vane; in what some might call a happier æra of the history of England. Without pursuing this allusion further, he was bound to own, that, in respect to the subdivision, proposed by the hon. Member for Weymouth, on the one hand, and by the Commissioners on the other, there was no difference in point of principle. Both disturbed the existing rights of property; both alleged expediency; both confined their re-distribution to ecclesiastical purposes;—how long this limitation would be conceded, who could venture to predict. For himself, he felt at liberty to say, that the effect of the concessions made in the last eight or nine years had not convinced him, that on former occasions, he had been a false prophet. But to this subject he need not now, or here, refer.—Once for all, he would say, that if this Bill did pass the legislature, it would form a most dangerous precedent. He objected to it in the first place, as interfering with the integrity and independence of the church; and in the second place, as interfering with the rights of property. Such interference might stop for the present with spiritual corporators; but the next step would be to attach the property of lay corporations; and he must be a bold prophet, who, after the doctrines laid down, and the examples here set, would venture to predict, that lay property in the hands of individuals would continue in its present security.—Under these circumstances, though perfectly aware of the inconvenience of supporting the hon. Member for Middlesex in the rejection of this Bill, considering that the motives of their objection to it were not only distinct but opposite, he still felt that he could give no vote on this question except in concurrence with that hon. Member, against the third reading of the Bill.

Mr. *Fowell Buxton* denied the indefeasible right, and contended that if such a doctrine were admitted, it must prove a bar to all improvement. Surely the House must see, that if the position of the hon. Baronet were well founded, no alteration could ever be made in the destination of Church property, and then the apportionment of it made in the reign of Henry the 8th was invalid, for at that time the property now in question was the property of another Church, and the Protestants took possession of it. Our Protestant ancestors said, that what was called the property of the Church was a fund applicable to the purpose of instructing the people, and expressly granted for that purpose, and they changed its destination, but always of course keeping that great object in view. Looking, then, at the question in all its bearings, he should say, that no reform could be satisfactory unless it met all the more glaring and positive defects in the present state of the Church. If the defects which he desired to see repaired were stated upon the authority of enemies of the Church, he might hesitate before he admitted those statements, but the statement of those abuses came before the House upon the authority of the Commissioners themselves—many of them churchmen, many of them Bishops; they admitted that a large portion of the clergy had great and numerous duties to perform in large and populous parishes, while the provision made for their remuneration was exceedingly scanty—that a very large portion of the people of England were without religious instruction. He complained of the Bill leaving the great and monstrous evil of inadequate instruction comparatively untouched, while it came recommended to them, on the ground of its being a great reform. In his opinion 10,000*l.* a-year was enough for the Archbishop of Canterbury. It was true, that 5,000*l.* a-year might be considered a small sum, but if applied to the improvement of the small livings, it would raise thirteen of them to 500*l.* a-year each. He thought further, that Deans would be sufficiently paid with 1,000*l.* a-year. Finally, looking at the Bill through its provisions, he could not help saying, that he thought it impolitic as a piece of legislation, and dangerous to the Church of England.

Mr. *Charles Buller:* I wish, Sir, to call the attention of the House and of the country to the extraordinary position in which his Majesty's Ministers have placed themselves by hurrying on this Bill in so astonishing a manner; for I will venture to say, that, [in all the annals of Parliamentary precipitation, nothing will be found that at all equals the course which has been taken on this Bill. Other important Bills have been hurried through Parliament, perhaps, as regards time, with even greater rapidity. But that peculiarity which attaches to this of all other measures is, that it does not contain one substantive enactment; it is a Bill which throws the duty of legislating for the Church of England, on another body; it is a Bill which, in fact, does nothing but make into law of Parliament a big blue book now lying on our Table, (the third Report of the Church Commission); that big blue book, containing more than 1,000 pages, and including several maps, painted in a way that puzzles the human mind exceedingly; that big blue book not having been placed upon our Table till this Bill was read a second time. I say this is unparalleled in the annals of legislation. I am not about to enter into the controversy with the hon. Baronet, the Member for the University of Oxford, to which he invited me, on account of a cheer I gave him. I want to ask his Majesty's Ministers by what insanity it is that they now come forward to alienate from them their supporters, in order to carry into effect the recommendations of Commissioners appointed by the right hon. Baronet opposite. The right hon. Baronet opposite may indeed be proud that, after we have driven him from office, and deprived him of its station and its pitiful salary—let me not be mistaken—I meant nothing more than that, after the right hon. Baronet has been deprived of office, and the salary which he does not, of course, regard—he still retained the substantial power of office. He has left to his successors a legacy of measures which they are carrying into effect. I am sure that, had such a proposition of Church Reform as this, been made by the Government of the right hon. Baronet, it would have been scouted by the country, and never carried in this House. But by this prudent manœuvre—by leaving it to a reforming House of Commons, a reforming Government, which displaced his Ministry upon reforming principles, he will carry it into effect, and by carrying this measure of "Church Reform," he will do more to keep up the bad institutions which he was driven from office for supporting, than if he had remained in power to this moment. I agree with the hon. Baronet, the Member for Oxford University, that it is unwise to attempt to conciliate political opponents by concessions. I only wish Ministers would think of that. I know it is their object upon the present occasion to conciliate their opponents; but they will never succeed. And I say that these three measures (for it is idle to consider them separately) will alienate from them all their best supporters. The measures they have introduced for abolishing pluralities, is a measure for legalizing that abuse. This Established Church Bill is a Bill for legalising translations, and for legalising inequality in the incomes of the Bishops. And are not these measures calculated to disgust and alienate all those who, though sincerely desirous of the true interests of the Church, were to put an end to all these abuses. This is a Bill especially calculated to alienate the dissenting portion of the community from Ministers. They must, they do exclaim against a measure which will vote away all the revenues of the Deans and Chapters to the maintenance of the present enormous and unequally distributed Church Establishment, instead of going towards the support of the fabric of the Church, and thus reducing the amount of, or doing altogether away with, the Church-rates at present paid by those who are daily showing more unwillingness to pay them, and whom I hope will soon accompany that unwillingness by a determined resistance to this payment. Ministers will not of course think these remarks very friendly; but I wish them well, and they have much worse friends in this House than myself. I don't allude to hon. Gentlemen opposite, who to night have been cheering them on so loudly. I allude to those who have inspired them with the unfortunate notion that they can, with liberal professions, carry on the Government of this country upon Tory principles. I view their conduct with great regret, because I think it is depriving them of all their honest adherents, and that it is placing them in the position in which they were in 1834, and which enabled their adversaries for a while to eject them from office. I hope, that as they are not too late, they will yet perceive their error, retrace their steps, and abandoning this miserable pretence of Church Reform, bring forward some sound and substantial measure that will again entitle them to the sincere and hearty support of the country.

Lord *John Russell*: Sir, I feel that, after what has fallen from the hon. and learned Gentleman who has just sat down, I cannot remain longer silent. Undoubtedly I was glad to hear the hon. and learned Gentleman express his regret at what he conceived to be an error on the part of his Majesty's Ministers; but I think that, if his regret were very deep, the hon. and learned Gentleman would have tempered some of the language with which he accompanied the expression of it; for, instead of its conveying anything like an amicable feeling, it appeared to be dictated by the utmost bitterness of political opposition. I confess I must plead guilty to the charge of not having acted, on the present question, with any party view. I conceived it to be my duty, whether I were in office or not, to attempt a reform of the Church, which, whether it might go the exact length of my views on particular points or not, should be an efficient reform of the greatest abuses and defects in the Church, and such as the leaders of the Church could concur in. Undoubtedly, another course might have been taken; I might have said, that I would never agree to any measure of Church reform, but one that should exactly suit every view I entertained on the subject—which should altogether prevent the translation of Bishops, and reduce the incomes of the Archbishops to the very lowest scale at which they could be enabled to live in comfort and independence. If, however, I had taken that course, I should have been met by the decided and active opposition of those who would resist such a measure, on the grounds that it was framed with extreme views, and that it must be made a matter of contention between us. I thought the better course to take was one which had the approval of those affected by the Bill, and whose assent implied a great concession on their part. They agreed that the excessive revenues of the Bishops should be reduced, that the number of their chaplains should also be reduced, and that a large sum should be applied to increase the incomes in parishes where the incomes were small. Sir, I own that such great practical effects, if they could be obtained, not only without opposition from those quarters from which opposition was to be apprehended, but with their concurrence —I own that such a result, in my view, appeared very much better for the interests of the country, very much better for the welfare of the Church, and for the cause of religious instruction, than keeping up a battle on some precise notions which we might have entertained upon this subject. Suppose I had said, that the income of the Archbishop of Canterbury should be reduced to 8,000*l.*, and that of the Bishop of London to 4,500*l.*;—it must be recollected that the Bishops sit in the House of Lords, and that they would not be likely to assent to such a reduction. But, after all, what would it amount to? The entire sum that could be saved by the proposed reductions in the incomes of the Bishops would not have exceeded 25,000*l.* a-year, and was it for such a sum that we were to lose the chance of carrying the present plan into effect without opposition? I must say, that as regards the progress of reform, it does seem much more advantageous to take the course which we have adopted than to incur the risk, by taking that recommended by some hon. Gentlemen, of losing the measure altogether; and I do think it better in all measures of reform, if we find those who are opposed to our views disposed to make some concessions, that Reformers should receive such concessions in a similar spirit, and endeavour to carry those measures into effect with as much concurrence and amicable arrangement as possible. The hon. and learned Member for Liskeard differs materially from my hon. Friend, the Member for Weymouth, whose motives I sincerely respect, and with some of whose views upon this subject (though I do not quite concur in all of his arguments), I own that I agree. But I think he has not done justice to the Commissioners with regard to providing the means of augmenting the small livings. We cannot go the whole length with my hon. Friend, and consider the whole of the incomes at present enjoyed by the clergymen of the Established Church as so much disposable revenue. to be distributed as we think fit. There is great difficulty, for instance, in respect of private patronage: with which, being in the nature of private property, we cannot deal without satisfying the proprietors. As to public patronage, that is patronage in the hands of the Crown, of the Bishops, or of the Deans and Chapters; there is a scale established, by which livings of less than 150*l.*, with a population under 1,000, are raised to 150*l.*; if populations under 2,000 to 200*l.*; if under 5,000 to 300*l.*; if 5,000 and upwards to 400*l.* Now, according to this scale, the sum required to meet the wants of the clergy would be

145,195*l.*; the sum which it is estimated will be at the disposal of the Commissioners, according to this Bill, is 129,000*l.* They will be enabled, therefore, to appropriate a large sum towards attaining the objects which my hon. Friend has in view. With respect to the Bill now before the House, I confess, Sir, I cannot see it in the same light with the hon. and learned Member for Liskeard, who has described it as legalizing evils, which it, in fact, diminishes. For example, said the hon. and learned Gentleman, "it legalizes translations." Why, translations are already legal. There would be no difficulty at this moment in removing a Bishop from a See with an annual income of 2,000*l.* to one of 10,000*l.*, or 12,000*l.* Now, what does this Bill do? It enacts that the income of the former See shall be raised to 5,000*l.*; whilst the revenues of the latter shall be diminished to 7,000*l.* Is that legalizing translations? Is it not striking at the root of the evil as it at present exists, by equalizing, to a great extent, the incomes of the Bishops? I say, that this Bill, instead of encouraging—by nearly equalizing the incomes of the Sees, will almost entirely do away with translation. I am exceedingly sorry that, in my views of this Bill, I differ so materially from many of my hon. Friends. But I must say, I agree more with my hon. Friend, the Member for Weymouth, than with those who object to this Bill on the ground that a large portion of the revenues of the Church ought to go to the relief of Dissenters. My hon. Friend has shown, that a very large sum is required to augment livings under 120*l.*; and I must say I do not think you ought to appropriate any part of the Church revenues to the reduction of church-rates, while so many livings remain with such small incomes attached to them. As to pluralities, the hon. and learned Member for Liskeard says, that the Pluralities' Bill legalizes pluralities. To abolish them altogether would, under present circumstances, be very difficult. But I believe the restriction contained in the Bill will have the effect of discouraging and diminishing them; and I must say that in the case, for instance, of two livings—one worth 50*l.* the other 60*l.* a-year, situated near each other—it is much better to have one incumbent for both, with 110*l.* a-year, than to have two incumbents with incomes of 50*l.* and 60*l.* each. The object of preserving pluralities (so far as they are by this Bill preserved) is rather to unite small, than to preserve large, incomes. It does not preserve the abuses of pluralities. It will do away, I believe, entirely, with nine-tenths of them. Sir, I must say, that however much I regret the opposition which this Bill has received, it does involve a very great measure of reform in the Church, and that it does, above all, assert an important principle, strongly deprecated by the hon. Baronet, the Member for Oxford—namely, that Parliament has a right to deal with Church revenues, and to superintend their distribution. I do not say that, after this Bill has passed, I shall not be ready (if at a future period the incomes of the Bishops shall be found too large), to vote for diminishing them still further. But I contend that the passing of this Bill will be advantageous, as preserving the good opinion of the country to the Established Church, by proving that the Bishops of that Church are ready, not only to concur in the correction of defects, but to yield to the general opinion of the country; and at any future period, if further reform should be considered necessary, to listen to any reasonable and moderate proposals having that object, I feel it, therefore, my duty to persevere in this Bill.

Sir *Robert Peel* said, he was unwilling to rise, from an apprehension that what he thought it necessary to say might expose him to misconception. The hon. Gentleman opposite (the Member for Liskeard) had seemed to argue as if the introduction of the present measure ought to be regarded in the light of a great political triumph to the opposition. There was not the least foundation for any such opinion; he himself had not the slightest interest in the result, and he could not look upon the proceeding at all in the light of a concession. The hon. Member for Liskeard had spoken of the present proceeding as a political manœuvre which had proved quite successful—it was no such thing. He and his friends were no parties to the Report of the Ecclesiastical Commissioners. When he was appointed to the chief office in the Administration by the Crown, he advised the Crown, seeing a strong feeling in favour of reform in the Church—to issue a commission, and he did so in the full conviction that a reform which was sanctioned by the heads of the Church, which had the weight of their authority, and came recommended by their high example, would be the most likely to prove satisfactory to the great body of the people, and be, therefore, permanently advantageous to the Church itself. He did think that by means of that consent they would be enabled to carry a measure of reform better calculated to impart efficiency to the Church in all its portions, than if it came without the approbation and goodwill of the bishops and of the dignitaries of the Establishment. When he retired from office, he retired from any connexion with the Commission; its continuance was a matter of perfect indifference to him; at the same time, he felt bound to say that he could not at all understand what object the present Government could have in bringing forward the present measure, except to increase the efficiency of the Established Church; but, in addition to that remark, he begged again to say, that he had no personal or political interest in the result; he had had no connexion with the measure, or with the noble Lord who had undertaken its introduction. To him it was no favour—no concession; justice, however, required him to say, that the parties concerned in the production of the measure appeared to have acted upon perfectly independent grounds; there was, therefore, no triumph on the one hand, and no disappointment on the other; and it would have occasioned him much regret if there had been any thing of personal or political feeling. There existed nothing that in the least approximated to feelings of that nature. The best possible proof that honest and upright feelings governed the parties concerned in the proceeding was to be found in this, that those who advised, and those who continued the Commission—that the Crown, the Commissioners, the heads of the Church, and others possessing patronage, were willing to relinquish that patronage, and to place it at the disposal of the Commission, to be made available for the purposes of a just, a useful, and a salutary reform. Who was there that did not know how valuable canonries and sinecures in the Church were? And yet many of these valuable pieces of preferment were given up by Bishops and others who possessed in them vested rights, and who, according to usage, might have bestowed them upon members of their own families, who naturally looked up to receiving such species of provision. They were clearly, then, influenced by a *bona fide* desire to promote the general good of the Church. With respect to the particular Bill then under consideration, it did appear to him to go far enough in diminishing the incomes of the Bishops. He desired to see them in possession of incomes sufficient to support the decent and decorous dignity of their rank. He would not listen to any thing less; they ought to be in a condition to provide for their families, to defray the expense of residences in London and in the country, of contributions to charities, and of keeping up a liberal and becoming hospitality—in short, of all that might be requisite for enabling them to live upon terms of equality with other persons of similar rank. Bearing in mind these considerations, he should say, that 15,000*l.* a-year was not too much for the Archbishop of Canterbury, and he should defend 15,000*l.* a-year as well on these grounds as on that of the general interests of the Church. To those who proposed to reduce such an income still lower he should say, that they ought to inquire, could the expenses of the rank and situation be defrayed for less, and not apply themselves to a minute inquiry as to whether there existed elsewhere incomes inadequate for their purposes. To such description of inquiries he saw no limit. Their duty was to see what the highest rank in the Church required, and not to injure the efficiency of that for the sake of pushing inquiries to an extreme point in the opposite direction. Upon these principles, then, he should support the Bill, and he hoped nothing that he had said would prejudice the success of the measure.

Viscount *Ebrington* would support the third reading of the Bill, because he concurred in its general principles and objects, though there were some of the details which did not meet his approbation. He would have been better pleased if they had reduced the larger salaries, and made a provision to secure the residence of the Bishops in their dioceses when they were not engaged in other duties. He should also have been better pleased if the territorial possessions of the Bishops were to be placed in the management of a Board of Commissioners, and a regular and fixed income paid to the Bishops in lieu thereof; he considered it would be more advantageous to the Church, as it would enable the Bishops to discharge their episcopal duties without the anxiety attendant upon the management of large landed estates. He hoped that this suggestion would be considered deserving the attention of the friends of the Church in the other House of Parliament. With respect to another Bill before Parliament, namely, that which took away the patronage of the Deans and Chapters, and transferred it to the Bishops, he trusted that at this period of the Session his noble Friend would not press that measure, as they would not have time to give it sufficient consideration. He did not think they ought to deal with this patronage hastily, or until they had ascertained what was its amount. He had moved for a return on the subject. He considered the measure before the House would be found beneficial, and he gave it his cordial support.

Mr. Brotherton and Mr. Duncombe rose together. The former hon. Gentleman moved an adjournment of the debate.

The Speaker having put the question,

Mr. *Goulburn* rose, and stated, that the hon. Member for Finsbury having been named by the Speaker, and being in possession of the House, and the hon. Member for Salford having, notwithstanding, made a motion, he did not think, a motion so made was regular.

The Speaker decided that Mr. Thomas Duncombe was in possession of the House.

Mr. *Thomas Duncombe* proceeded. He professed that, notwithstanding the feeble attempt made by the noble Viscount to bolster up this miserable attempt of the Ministry to introduce reform into the Church, he would not sit in that House another day without expressing unequivocally his disappointment—nay, he would say, his disgust—at the conduct his Majesty's Ministers had thought fit to pursue. He, at once, acquitted the right honourable Member for Tamworth of all responsibility as to the nature of the measure before the House It all rested upon the shoulders of the present Government. They might talk of the Irish Tithe Bill, and even the miserable pretext, the appropriation clause, as the security they offered to the public of their sincerity, but the Bill before the House would be the true touchstone whereby it would be ascertained whether the King's Ministers retained the confidence of the people. He objected strongly to the constitution of the Commission. It was exactly so constituted that no other result could flow from their labours, than that which he and many of his friends looked upon with concern, and even disgust. Of the thirteen on the Commission, five were Cabinet Ministers, five were Bishops, interested in supporting the abuses complained of, and the remaining three were very respectable men in private life, but they were inveterate Tories. He was delighted to hear of the schism between the Bishops and the Chapters, and he thought it probable that when the Bishops and Deans and Chapters fell out, the proverb would be verified, and the laity were likely to come by their own. On another occasion he should repeat his objections to the unconstitutional and undefined powers which were given to this Commission. He was quite surprised that his Majesty's Ministers should ever have thought of intrusting such powers to a Central Board. If such a proposition had been made when the Tories sat on the Treasury side of the House, they would have had 100 or 150 Whig patriots starting up, whom not even the authority or dignity of the right hon. Gentleman's (the Speaker's) predecessor would have prevented from declaiming simultaneously against so unconstitutional a proceeding.

Lord *Francis Egerton* said, that having possession of the House, he would retain that privilege but a short time. He had received a rebuke for being too concise in presenting a petition which had been intrusted to him by dignitaries of the Church. He was sorry that the mention of vested interests should have been received with any thing like derision, for if hon. Gentlemen made the case their own they would soon find that nothing could be more dangerous. Whatever were the merits of the petition, the petitioners, both as members of the profession to which they belonged and on the score of private character, deserved the consideration of the house, and he hoped that the allegations contained n it would be treated with attention. He gave notice, that when the recommendations contained in the fourth report of the church commissioners came before the house in a tangible shape, it was his intention to introduce certain amendments wich would embody the spirit and substance of their prayer.

Mr. *Blackstone* wished to ask the noble word whether the two new bishops of Manchester and Ripon, were to have seats in the House of Lords, and what was the tenure by which they would enjoy that privilege?

Lord *John Russell*, in reply, said that there was no doubt that the Bishops of Manchester and Ripon would be entitled to have seats in the House of Lords.

Mr. *Arthur Trevor* rose, but was assailed by loud cries of " *adjourn.*" He would ask, was this conduct creditable to a British House of Commons? [*continued cries of* "adjourn."] He would tell hon. Gentlemen who were making those unseemly noises, that such a course of proceeding was extremely undignified and unworthy, and he should, therefore, move that the Debate be adjourned.

The gallery was cleared for a division, but none took place, and the Debate was adjourned.

HOUSE OF LORDS,
Wednesday, July 20, 1836.

MINUTES.] Bills. Read a third time:—Punishment of Offences' (Cape of Good Hope); Court of Chancery (Ireland) Offices' Abolition Bill; Constabulary (Ireland); and Turnpike Roads' (Ireland).—Read a first time:—Grand Juries and Richmond Penitentiary (Ireland).

HOUSE OF LORDS,
Thursday, July 21, 1836.

MINUTES.] Bills. Read a third time:—Cessio Bonorum. Petitions presented. By the Marquess of SALISBURY, from Westminster, for an Inquiry into the state of Weights and Measures.—By the Bishop of EXETER, from Aberdeen and Tuniff, against Universities' (Scotland) Bill; and from the Clergy of Exeter, against Marriages and Registration of Births' Bills.—By the Marquess of LONDONDERRY, from various Places, against the appropriation of the surplus revenues of the See of Durham to remote districts.—By the Archbishop of ARMAGH, from various places, against the Church of Ireland Bill.—By the Earl of ABERDEEN, from Aberdeen, for Universities' (Scotland) Bill.

DIOCESE OF DURHAM.] The Marquess of *Londonderry* presented petitions from the town of Darlington, from Stockton-on-Tees, from South Shields, and several places in the diocese of Durham, against the See of Durham Bill, and praying that no transfer of the revenues of that See might be made until the spiritual wants of the diocese of Durham had been fully provided for. The noble Marquess also presented a petition from the clergy of the county of Durham, praying for the delay of the legislative measures affecting the spiritual interests of the diocese of Durham.

The petition having been read by the Clerk,

The Marquess of *Londonderry* said, that the petition which had just been read, and which emanated from that most respectable body, the clergy of the county palatine of Durham, deserved the serious consideration of the House. He hoped that their Lordships would grant the prayer of those petitioners, and that they would agree to the motion for a Select Committee, to which this and other petitions of the same nature might be referred, with which it was his intention to conclude. He would not take up their Lordships' time unnecessarily, by making any remarks on the nature of the general advice given by the Ecclesiastical Commissioners, but he would call their especial attention to the petition which had last been read, and to the parties from whom it came. They were individuals who well understood the situation in which the see of Durham was likely to be placed if the revenues abstracted from it were appropriated to general purposes; they were not uneducated men—they were, in fact, the parochial working clergy of the diocese, and they called on their Lordships not to sanction a departure from the principle which had been laid down in other cases, where surplus revenue was to be appropriated; they requested that their Lordships would not suffer to be done, with reference to the see of Durham, that which had not been insisted on in other instances,—in other words, they required, and nothing could be more reasonable, that the application of the surplus revenue of the See of Durham should not be applied to general purposes, until local purposes were fully answered. He felt that he stood in an embarrassing position when he advocated the cause of these petitioners, since, in doing so, it might be supposed that he wished to cast reflections on the Commissioners. He had no such intention; and he should state the object of the petitioners, without meaning to challenge the enlarged views of the Commissioners. He should confine himself to that one point, and harboured no intention whatsoever of animadverting on, or stating his general opinion of, the course which the Commissioners had recommended. He was sorry that the noble Duke (Cleveland), the Lord-lieutenant of the county, was not in his place to support the view which he took of this subject. The noble Duke was not, however, present; and if that noble Duke had received any intimation or any communication from the noble Viscount opposite as to the abstraction of the revenue of the See of Durham, or upon any other point connected with that subject, he hoped the noble Viscount would state what that communication was. He had certainly heard that something had been communicated; but he should be sorry to state, in the absence of the noble Duke, that which he had heard. He feared that, in bringing this subject forward, he should be entirely bereft of aid; for he was informed that the opinion of the noble Duke near him (the Duke of Wellington) had been strongly given on the question. He should say nothing against the Report, generally speaking, of the Commissioners; but he objected to parts of it, especially that part which related to the See of Durham. He understood that the noble Duke near him did not hold himself responsible for any of the proceedings of this Commission. He hoped, therefore, that the noble Duke would look into this part of the subject, and extend the same support to the parochial clergy of the diocese of Durham, a diocese unequalled for its poverty, that was proposed to be extended to the clergy of other places. The great object of the second Report appeared to be to create new bishops, and not to extend the influence and efficiency of the parochial clergy. No; everything was to be grasped at for the purpose of creating two new bishops. The first Report did not by any means go to the extent of the second. The first Report said nothing about abstracting the revenues of the deans and chapters, which were now applicable to local purposes, for purposes of a general nature, which the second Report recommended, and then went to fix the amount to be abstracted from different sees, from Durham, London, Canterbury, &c. Part of the revenues thus abstracted was, it appeared, to be employed in assisting the clergy of Wales. But he could prove that there were livings in Durham as poor as any living in Wales. Now before they took, as was proposed, a surplus of 41,000*l.* from Durham, they ought to consider the actual wants of that diocese. Yes, the spiritual wants of the see of Durham required a sum very little short of 21,000*l.* The petitioners, by their concluding summary, showed that, on a moderate computation, not less than 21,000*l.* would be requisite for spiritual purposes. They argued that spiritual wants should first be provided for, before general purposes were attended to, and they wished that an act should be passed for that object. The petitioners said, "Appropriate, if you will a certain portion of these surplus revenues to general purposes, but do not abstract the whole, and neglect the spiritual wants of the people, by neglecting the interest of the parochial clergy." The noble Marquess quoted a number of tables to show the spiritual wants of the See of Durham, of which the following is a summary.

"If the just and imperative, claims of the livings of the Bishop and the Dean and Chapter on the surplus funds were granted to the full amount required—*and if half the amount necessary for augmenting livings in other patronage than that of the Bishop and the Dean and Chapter were granted, on condition that lay patrons or lay impropriators furnish the remaining half, a principle now acted on by the Governors of Queen Ann's Bounty Fund, in augmenting poor livings—the following sums would be required, viz.:—

	According to the Archbishop's Act.	According to the plan suggested.
Bishop's Livings	£3,252	£3,318
Chapter's ditto	5,423	5,419
New Churches	5,000	5,000
*Other Livings	7,645	6,940
Total annual amount required	£21,320	£20,677"

This statement shows that, on a moderate scale of augmentation, there ought to be a reservation of an annual sum of no less than 21,000*l.* out of the alleged surplus ecclesiastical revenues of the diocese. That the ecclesiastical wants of the diocese of Durham should be provided for in the first instance is but common justice, both as regards the inhabitants and the right disposition of the revenues left for its specific ecclesiastical requirements. The abstraction of its church emoluments, without first attending to its own necessities, will create, and justly so, universal dissatisfaction throughout the diocese. The livings in the patronage of the Bishop and the Dean and Chapter of Durham have an especial claim on the surplus ecclesiastical revenues of the Bishop and the Dean and Chapter. All the churches in their gift, under the amount specified, are situated in parishes which pay tithes, or otherwise contribute to the respective emoluments of the Bishop and the Dean and Chapter. It, therefore, cannot be satisfactory to the inhabitants of such parishes to see tithes and other property paid over to Queen Ann's Bounty Board, to be given to churches in London or elsewhere, while their own churches remain so inadequately endowed. To abstract these revenues without first supplying the wants of such benefices from what was their original endowments would be an act towards them of the greatest injustice, and it is to be hoped that neither House of Parliament will sanction such a principle. Although the livings not in the patronage of the Bishop or Dean and Chapter have not an equal claim with those in their patronage, yet they certainly have a prior claim for augmentation to all benefices not within the diocese, and the plan suggested in this statement may obviate some difficulties which might arise as regards the claims of such livings on the surplus ecclesiastical revenues. The endowments required for new churches ought to be provided for out of the alleged surplus revenues in whatever parishes they are wanted. In general the poverty of the people, where new churches are needed, and where, consequently, very little can be expected from pew rents, renders the incumbents in a great measure dependent on the endowments for their support. From these considerations it appears highly important that a sufficient sum be secured for the diocese, by a special enactment of the Legislature. If this statement be productive of no other effect, it will tend to show the real wants of the diocese of Durham, and the justice of applying such of its ecclesiastical revenues as the Commissioners consider to be surplus to the real ecclesiastical wants of the diocese, before any of it be applied to the general augmentation of livings throughout the kingdom. The surplus of the revenues of the diocese of Durham, as stated by the commissioners, is as follows:—

From the See	£11,066
From the Dean and Chapter	29,886
Total Annual Amount	£40,952

If this amount of revenue were abstracted the parochial Clergy would have no confidence that any portion of it would hereafter be applied to the local necessities of the diocese. They very reasonably asked, that at least a certain portion of it should be left to be applied to the local wants and necessities of the diocese. He hoped that the local wants of the diocese would not be overlooked, and that the whole revenues of the diocese would not be seized upon by the Ecclesiastical Commissioners for the purpose of creating new Bishops. He had received a letter from a Clergyman in that diocese, which would show the manner in which many of the parochial clergy of that diocese were provided for. The letter was as follows:—

"Hartlepool, July 12, 1836.

"My Lord—It is the humble request of my parishioners, the inhabitants of Hartlepool, that your Lordship will be so condescending and obliging as to present this their petition to the House of Lords. I regret that it is not more numerously signed, but a great majority of all who can write have signed it, and I am sure it has the good wishes of nearly all the rest. The death of our late lamented diocesan is, perhaps, a greater loss to Hartlepool than to any other place; for the endowment of the living (during the two years I have had it) exclusive of the surplus fees and Easter offerings, has scarcely realised 70*l.* per annum. At the end of the first year of my incumbency I laid this statement, with its various items, before the late Bishop, and he presented me with 100*l.*, and as my health at that time was delicate he supplied me with a curate, engaging to do so during his incumbency. His Lordship intimated also that, as I have a numerous family, and have had a great deal of sickness in my house, with little or next to no private resources, I might always look up to him for assistance in my pecuniary difficulties. I never doubted of his Lordship allowing me a yearly sum to relieve my wants, but I have no express engagement in any of his Lordship's letters to that effect. From this your Lordship will perceive that Hartlepool, in a peculiar manner, and to a great degree, will suffer by the proposed abstraction of the surplus revenues of the see of Durham.—I am, my Lord, your Lordship's humble and devoted servant,

"R. Taylor.

"To the Most Noble the Marquess of Londonderry."

In the diocese of Durham there were eleven livings under 70*l.* per annum, twenty-eight under 100*l.*, six under 200*l.*, and seventy-nine under 300*l.* Now, under the Act of the Archbishop of Canterbury, the Bishop of Durham was empowered to raise these livings to 300*l.* a year. There were many similar livings under the Deans and Chapters, and a very appropriate application of a portion of this surplus would be made in raising the amount of those livings. The Noble Marquess proceeded to read the following statement:—

"The population of Durham, in round numbers, is 350,000, and the number of scholars in the free schools of Catholics and Dissenters only amount to 500. Now, see the number educated under the Established Church. There are at present in connexion with the Diocesan School Society 309 schools, at which are educated 23,428 children, either altogether free of expense or on payment of a very small sum, say a penny weekly. Hence, by means of this Society, upwards of 23,000 poor children receive an education which they otherwise would not receive, and the schools are maintained principally by the Bishop and Dean and Chapter; and thus it is obvious that if the income of the Bishop be reduced the Prebendaries abolished, and the money hitherto spent by them be carried to other counties, the Society must fall to the ground for want of funds, and the children of the poor will be deprived of the advantages of education. By transferring, however, the so-called surplus revenue of the Bishop and Prebendaries to the increase of small livings this result will be prevented; for the report shows that the parochial Clergy are as liberal, according to their means, as the higher dignitaries, in supporting the Society."

He would ask the right reverend prelates whether they had been informed to this extent before they had seen the paper to which he had just referred? Their Lordships' Table was daily crowded with petitions from every part of the county of Durham; there were petitions both from the people and the clergy; and he trusted their Lordships would not disregard them. He hoped the House would consider whether, by some clause, or an instruction to a Committee, a portion of the revenues of this bishopric might not be reserved to augment the poor livings of the see. On this point he would read a paper sent to the late Bishop of Durham in April, 1835:—

Queries.

1. In devising the best mode for providing for the cure of souls, and in making a new distribution of Church property for this purpose, ought not the ecclesiastical revenues of each diocese and county to be first directed towards the supply of the spiritual wants of the parishes and districts out of which they now arise, before any part of them be appropriated to other places?

2. Will the arrangement for securing an adequate income to the parochial Clergy be complete unless regard be had to local circumstances as well as to population; on the same principle as that already proposed in the Commissioners' first report, in reference to episcopal revenue and duty?

3. Does not a scattered rural population present a charge as laborious to a Clergyman as a population much more numerous, but more condensed, in a town?

4. Are not the scattered inhabitants of small hamlets, and of remote farmhouses, more destitute of the common means of acquiring knowledge, and less desirous of acquiring it, than those of towns? Being also at a greater distance from the place of public worship, are they not more in want of a Clergyman's admonitions and instruction to be brought to their own doors?

5. Are not the resources of a country Clergyman fewer in number, as to libraries, book clubs, society, &c.? Are not his opportunities of having access to books, except by purchase, more limited; and are not his general and necessary expenses larger than those of the Clergy of towns? For example, the keep of a horse, which is indispensable if his parish be large; the price of fuel, and the carriage of every article which he receives into his house. In application of these principles to the distribution of the revenues of the Church of Durham a table is appended to this paper, showing the condition of nine parishes in the diocese of Durham, on the borders of Scotland. They are selected because they are contiguous and form one large district; because almost all the great tithes belong to the Dean and Chapter, and because the incumbent of each parish is presented by that body. These nine parishes are a sample of many others in the same diocese, similarly situated as to extent, contiguity, population, patronage, and spiritual condition. The Dean and Chapter of Durham have 38 benefices in their gift, from which they draw the great tithes; 26 of these are under 300*l.* a year, and nine of them have no parsonage houses. Many of these parishes are very populous, and extend over large tracts of land. It would require not less than 4,000*l.* per annum to augment these livings in the gift of the Dean and Chapter so as to give a proper maintenance to the incumbent; and not less than 5,000*l.* to build the parsonage houses that are wanted, to say nothing of provision for church accommodation, which is also required. It may be added that the populous towns of Darlington, Stockton, Sunderland, Monkwearmouth, North and South Shields, Newcastle, Chester-le-street, and Alnwick, with the wide spreading parishes of Lanchester, Middleton-in-Teesdale, Gainford, Earsden, Newburn, Whittingham, Allenton, Hallyston, Carham, Kirknewton, Warkworth, Hartburn, Long Horsley, Simonburn, Falston, Allandale and others, neither of which extend over less than 10,000 acres, are all in the diocese of Durham, and require funds in aid for spiritual purposes. Can the Church of Durham, therefore, be said to have a surplus revenue which will admit of appropriation elsewhere before the spiritual wants of those places are supplied?"

These were the questions submitted to the late Bishop of Durham.

He would apologise for having troubled the House at such length; but he could not reconcile it with his duty not to call the attention of their Lordships to these facts. The subject was one foreign to his habits, and the importance of the question was undoubtedly great; but his intention merely was to direct their Lordships' attention to the peculiar hardships of the case, and, having urged as well as he could the view which he took of it, he should conclude by moving that "a select committee of the House be appointed, that the petitions from the county of Durham and the statements of the Clergy be referred to it, and that it report whether, under the peculiar circumstances of the diocese, it would not be expedient to make further inquiries as to the spiritual wants of the see previous to the abstraction of its revenues for general purposes, and delay any legislative measure affecting the revenues of the see until the next session of Parliament."

The Archbishop of *Canterbury* was obliged to express though he did it with reluctance his dissent to the motion of the noble Marquess. If the bill which was before the other House of Parliament came up to their Lordships they would then have a proper opportunity to discuss this question.

Viscount *Melbourne* denied that there, had been any communication between himself and a noble Duke who had been adverted to by the noble Marquess, with respect to the appropriation of the revenues of Durham. The motion now submitted to their lordships by the noble Marquess was one calling upon them to reconsider a subject which had been already fully considered by the ecclesiastical commissioners, and upon which they had given an opinion deliberately and carefully formed. If their lordships were to reconsider the question upon the grounds which had been stated by the noble Marquess, it was clear that the whole of those reforms in the church which it wa proposed to effect would be endangered and that they could not possibly be completed. But he should not go into the question; he would content himself with saying that it was better to put the whole church establishment upon a more reasonable and just foundation, than to preserve a state of things in which certain advantages might be enjoyed by the clergy, as the noble Marquess had represented, but which were entirely dependent upon the accidental disposition of those particular persons who might happen to fill the superior situations of the see in question. As their lordships would soon have the whole question before them, he should now go no further than to say, he could not agree to the motion..

The Bishop of *Gloucester* said, some remarks had been made by the noble Marquess respecting the church commission, of which he had the honour to be a member, of a kind that he could not permit to go forth to the public without some reply. The ecclesiastical commissioners had been accused of precipitation, and a want of due caution in their proceedings. To that accusation he thought their Lordships would not be disposed to give much attention, when they called to mind how many months this subject remained under the consideration of the commissioners, and, he would add, under their very careful, anxious, and daily inquiry; and further, that no part of the subject had been inquired into more minutely than the revenues of the see and chapter of Durham. The only ground which he could understand the noble Marquess to have taken was, that the revenues of this see and chapter ought to be appropriated in the first place towards the increase of all the small livings in Durham, to the amount of not less than 300*l.*; and the noble Marquess had kindly supplied their Lordships with some statistical information on the subject. But the noble marquess was mistaken if he supposed that subject had escaped the attention of the church commissioners; they had had the whole question before them; every thing was analyzed and looked into with the greatest care and anxiety. With regard to the particular point under discussion, in the statement of the commissioners he counted 17 livings in Durham under 70*l.* a-year, but he should also observe that 15 of those livings belonged to private patronage. Was it to be expected that those livings should be raised to the amount of 300*l.* out of the public patronage of the Crown, or out of that of the bishopric? What probability was there that their Lordships would at any time sanction such a proposition? [The Marquess of *Londonderry* spoke of 11 livings under 70*l.*] he begged pardon of the noble Marquess, but he adhered to the accuracy of the paper he held in his hand. Without entering into the question as to the source from whence the revenues of the see of Durham were derived, he would ask was it not true, that at that moment there were one Welsh and two English bishoprics deriving considerable assistance from the revenues of the see and chapter of Durham? Indeed, he knew not that they could be better disposed of than to enable persons who were in possession of very inadequate revenues to meet the expenses and demands which were consequent upon their station. By the increase of the small bishoprics the necessity of commendams would be superseded, and the revenues of the stalls of Durham would go for those very purposes. The noble Marquess ought not to think that the local wants of the see of Durham would not be attended to; such an assumption was unjustifiable. He was aware that these topics would again come under the consideration of their Lordships and therefore he should say no more than that he dissented from the statistical observations of the noble Marquess, and the inference which he had drawn, that the spiritual wants of Durham were greater than those of other parts of the kingdom; as the motion of the noble Marquess would go at once to stop the progress of all church reform, he should oppose it.

The Marquess of *Londonderry* said, that after what he had heard, and seeing that the feeling of the House was against him, he should withdraw his Motion, feeling satisfied, however, that he had done his duty in bringing the subject under their Lordships' attention.

The Bishop of *Gloucester* said, if the noble Lord would look into the returns again, the noble Lord would find that he was right in stating, that there were 17 livings in Durham below 70*l.* a-year of which 15 were connected with private patronage.

The Marquess of *Londonderry* believed that there were 11 livings under 70*l.* a-year not connected with private patronage.

The Motion was withdrawn.

Poor-Rates. — Parochial Assessments.] On the order of the day for receiving the report on the Poor-rate Bill,

The Archbishop of *Canterbury* rose to propose the introduction of some amendments which he should have submitted without a single observation, but that he wished to say, in reference to some statements which had been circulated in the public papers, to the effect that the clergy through him, were endeavouring to obtain an exemption of some part or portion of their tithes from the payment of the parochial assessment, that nothing could be more unfounded than such an assertion. He believed, that by the act of Elizabeth every man had been made liable to be rated to the legal provision for the poor and that the law remained in that state still. The clergy desired that all property should be assessed on its reputed value as at present; as they therefore wished that the law should remain as it was now, he would propose an amendment to insert "lands" instead of hereditaments which would have the effect of exempting tithes from rates.

The Duke of *Richmond* believed, that anciently the rating for the poor was upon tithe, for he found that the maintenance of the poor was chiefly an ecclesiastical affair, a fourth part of the tithes being intended to be appropriated to that purpose. He did not blame the clergy for attempting to maintain their tithes, but he thought that before their Lordships allowed these amendments to be put into the bill, their Lordships should inquire whether they would not entirely neutralize it. He maintained, that the rateable value of property was its fair annual rent—just what it would fetch, and no more. The profits of the farmer formed the result of his own labour, and could not be taxed, any more than the profits of any tradesman or merchant. They might as well inquire what the profits of Drummond's banking establishment were, and tax that. The position which the opposers of this bill wished to take was founded upon the case of "Rex *v.* Joddrell," the decision upon which had been since overthrown, and shown to be untenable. If the object of the most rev. prelate were, not to defeat the Bill, the much more simple course to pursue would be to add to the clause these words,—"Provided always that nothing herein contained shall be supposed to alter the existing law respecting tithes." There were not ten parishes in England where such a principle as that recommended by the most rev. prelate was acted upon. He wished this bill to pass into a law, because he believed it would have the effect of preventing the fraud which was carried on under the present system, and he would oppose the amendment of the most rev. prelate, because he believed it would have the effect of putting into the pockets of tithe-owners what ought properly to go into, and had heretofore gone into, the pockets of the landowners.

Lord *Wynford* approved of the most rev. prelate's amendment, because it left it open to the Court of King's Bench to decide what the real law and what the true principle on the subject was, while it would not alter the effect of the bill.

The Marquess of *Salisbury* feared, if such would be the effect of the amendment, that too many law suits might result from it. He thought it would be better to leave out the clause altogether and upon that point: whether the amendment of the most rev. prelate was carried or not, he felt very much inclined to take the opinion of their Lordships.

The Earl of *Radnor* said, that with regard to the last proposition, their Lordships should recollect that they had divided upon this clause a few nights ago, upon which occasion they determined to retain it. In his opinion, the clause made no alteration in the present law respecting the rating of property. It had been urged the other evening—and he presumed it was upon that ground the noble marquess had expressed a wish to have this clause rejected—that it would occasion great confusion and great expense, inasmuch as every parish must be revalued. The overseer of the parish was bound to value it; and if the valuation were found to be incorrect, and in some places fraudulently made, by being rated on different proportions, then, of course, it would be necessary to have a new valuation, in order that each person might be fairly rated, as the law never contemplated any thing else. With regard to the words moved by the most rev. prelate, who said he proposed them because he had some fear that tithe would be rated in an unjust proportion; and which the noble and learned lord opposite supported not on the ground that they would prevent tithes being rated, but because they would leave the matter open for further consideration, he must observe if these words would have the effect anticipated by the most rev. prelate, they would be mischievous; and if they contained the meaning given to them by the noble and learned Lord, they only encumbered the clause by a superfluity of words, without doing any good. As to rating profits, he did not think that any one could seriously entertain the idea. How was an overseer to calculate or ascertain what portion of the value of the land went in the shape of profits into the pockets of the tenant? If the farmer's profits were to be rated, profits of almost every other description must also be rated.

The Archbishop of *Canterbury* had no intention whatever of doing injury to the Bill, his only object being to keep things just as they were.

The *Lord Chancellor* objected to the amendment, as containing the principle that there was a difference in rating with regard to land and other property; whereas the principle of rating was equality. That was the principle under Elizabeth and the only question was, how to arrive at that equality. He apprehended that the object of the most rev. prelate might be attained by the proviso suggested by the noble Duke, without involving the clause in the difficulty and obscurity, indeed, he might say, the illegality, which the amendment would attach to it.

Lord *Hatherton* said, he certainly was not satisfied with the terms of the clause as it stood in the Bill. He feared this would lead the overseers in many instances into confusion as to the mode they should act upon in the rating, not only of land, but of canal, railroad, and other property. On the other hand, although he disapproved of the clause, he thought that the amendment of the most rev. Prelate would lead the overseers still more deeply into error. In his opinion it would be better to introduce a proviso, to the effect that nothing in the Act contained should be supposed to alter the proportions in which the different descriptions of property had been heretofore rated.

The Archbishop of *Canterbury* had no objection to such a proviso, and to make way for that, begged to withdraw his amendment.

The Duke of *Richmond* moved a proviso to the effect stated—viz: "that nothing herein contained shall be supposed to alter or affect in any way the principle or proportions upon which the different kinds of hereditaments are now by law rated;" which was agreed to.

The Earl of *Harrowby* observed, that, ignorant as he confessed himself to be on this subject, it appeared to him, from the manner in which it had been discussed, that many of their Lordships were not much more intimately acquainted with it than he was himself. He therefore felt inclined, if he thought he should meet with any support, on the motion for the third reading, to move that it be read that day three months.

The Duke of *Richmond* was much surprised that the noble Earl should think of taking such a step after the Bill had gone through so many stages, and been so fully discussed. He believed a measure of the kind most necessary in order that the people of this country might know if they were justly and equally rated, and that the confusion and fraud which at present existed might be put a stop to. The present system of appeal, for instance, was a mere mockery, and yet the noble Lord intended to move that the bill be read a third time that day three months, and that too upon the one only ground, that the House was not sufficiently informed upon it. If that were the case, he would only entreat the noble Lord to give an example by examining the different clauses, and by making inquiry of those who knew something on the subject. If he did so, he would venture to say, he would not then think this Bill unnecessary.

The Earl of *Harrowby* observed, in explanation, that his reason for wishing to defer this Bill until next session arose from the great uncertainty which appeared to prevail on the subject. On that account he thought it might be as well to take more time to consider it, but if their Lordships were of opinion that they would have time this session to do so, he should be sorry to throw any impediment in the way.

Report received.

MARRIAGES.] On the motion of Viscount Melbourne, the order of the day for the House to go into Committee on the Marriages Bill was read.

Lord *Ellenborough* had several amendments to propose in the Bill, to which, not being inconsistent with its principle, he believed no serious objection would be made by the noble Viscount opposite. The most convenient course would therefore be now merely to allow the Bill to go through the Committee *pro forma*, that those amendments might be introduced, and take the general discussion on a future stage.

Viscount *Melbourne* approved of some of the amendments proposed to be introduced by the noble Baron, having had an opportunity of looking at them privately. He had no objection to the course pointed out by the noble Lord.

Lord *Wynford* protested against being considered in any way friendly to the principle of the Bill.

The Bishop of *Exeter* said, that when the Bill was first introduced he stated to their Lordships the only ground on which he could consent to forward it even a single stage. He had, in fact, strong objections to both of the Bills relating to marriage and to the registration of births and deaths; and certainly hearing that the principle of this measure was to remain unchanged was no inducement to him to wave his objections to it. He had heard much about the principle of the Bill; but for his part, he should like to know what its principle was? It was not a little remarkable that it professed to be a Bill "to amend the law relating to marriages in England;" but not one word was said as to why this was necessary. Now, if the intention were to satisfy the conscientious scruples of the Dissenters, he, for one, would support such a measure; but that plainly was not the principle on which this Bill was founded, or there could have been no objection to express the intention in words. He was willing to admit, that they should attend to the scruples of conscience of those who objected to the office of marriage as laid down in the Book of Common Prayer; but still he would be no party to any measure which went to interfere with the rites and ceremonies of the Established Church. This Bill, in his opinion, went the length of inviting the members of the Church of England to contract marriage without any religious ceremony; and that was a principle he hoped the Legislature never would adopt. By this Bill parties would be enabled to contract marriage without uttering a syllable as to the nature of the contract, beyond that they desired to live together as man and wife. They would not be even obliged to say that it was a contract for life, notwithstanding it was a contract of the most solemn and binding description. The only period in the history of this country at which a similar attempt was made was during the time of the Usurpation; but although marriage might then be contracted before a magistrate, a strictly solemn and religious *formula* was enjoined. Here, however, the contract was to be purely civil, and attended with no greater solemnities than would be required for a contract entered into between parties for mere service. He must insist that a contract so sacred and indissoluble should be accompanied by suitable solemnities, and unless this were done, no earthly inducement could prevail with him to allow the measure to progress another stage without opposing it.

The Bill then went through the Committee *pro forma*, and several amendments were introduced

The House resumed.

REGISTRATION OF BIRTHS.] The order of the day for the committal of the

Registration of Births Bill having been read,

The Duke of *Richmond* wished to call their Lordships' attention to that clause which allowed the guardians of unions under the Poor Law Amendment Act to appoint as district-registrars such officers as they should think fit, subject to the approval of the registrar-general. He did not mean to say the guardians would not appoint fit and proper persons; he believed they would appoint their best relieving officer, but without reference to the other important duties he had to perform. The relieving officers of the several districts had already the most arduous functions imposed on them; they were bound to go through the different parishes, to see that those who were relieved were proper persons, and really in indigent circumstances; they were also obliged to visit the sick, and take care that the medical men were properly attentive in all parts of the union, and much therefore of the success of the Poor Law Amendment Act must depend on the manner in which they discharged those duties. The best person he believed that could be appointed was the collector of the poor-rates; but at the present moment there were several unions in the country without such an officer. He had thought it his duty, as chairman of a very extensive union in Sussex, formerly one of the most pauperized districts, but now, he was happy to say, very much the reverse, to state thus much, in order to call attention to the subject. There was another cause, which declared that a clergyman should not bury dead bodies until the relatives of the deceased should produce a certificate that his death had been duly registered. In that part of the country with which he was immediately connected, no greater evil could possibly arise than that of keeping a corpse in the church-yard while a certificate was being procured.

Lord *Ellenborough* did not think the services of the district - relieving officers could at present be taken advantage of under this Bill. He agreed with the noble Duke (Richmond) that the fittest person would be the collector for the union. With respect to the appointment of registrar by the board of guardians, the registrar-general would have the power of removing him, which was some slight security for good conduct.

The Bill went through the Committee with amendments.

House resumed.

HOUSE OF COMMONS,

Thursday, July 21, 1836.

MINUTES.] Bills. Read a second time:—Western Australia.—Read a first time:—Church Temporalities' (Ireland).—Entailed Estates; Waste Lands (Ireland).

Petitions presented. By Mr. WAKLEY, from various Places, against and for, the Amendment of Factories' Act Amendment Bill.—By Lord STUART, from the Hand-Loom Weavers of various Places, for the Regulation of their Wages.—By Mr. FRESHFIELD, from Helston, against the Stannaries Bill.

CASE OF MR. DEVITT.] Mr. *Wilks* presented a petition from Clotworthy Dobbin Devitt, late of the General Post-office, Dublin, stating that he had held a confidential situation in the General Post-office of Ireland for about seventeen years, during which time his conduct, in the faithful discharge of his duty, met with the united approbation of the Postmaster-General, the Earls O'Neill and Rosse, under whom he served; that about November, 1829, the petitioner, in the exercise of his official duties, discovered a system of fraud and peculation carrying on in some of the branches of the Post-office departments, whereby the revenue thereof was purloined; that on such discovery petitioner instantly reported the matter to the Chief Clerk in his department, and also the Earl of Rosse, the then acting Postmaster General, who immediately caused an investigation into the charges brought by petitioner, when it appeared that persons holding some of the highest offices of trust under the Post-masters-General were deeply implicated, and that the public had lost upwards of 5,000*l.*; that on the Report of the Earl of Rosse to the Lords of the Treasury, the Law Officers of the Crown were directed to prosecute some of the persons so charged, one of whom (George Wilkinson) was convicted, and sentenced to twelve months imprisonment, which he underwent in the gaol of Newgate in Dublin; whilst another (Thomas Harrison fled from public justice, and is, it is supposed, in America; that the testimony given by petitioner on that occasion, and the faithful manner in which he discharged his duty to the public, drew forth from both the eminent Judges who presided (Justices Jebb and Johnson), their joint and unqualified approbation, and the Lords of the

Tresury were pleased to issue a minute for his continuation in office, and to which minute he also refers; but that, notwithstanding the public services which petitioner had rendered, and the Treasury Minute, under which he was continued in his situation, without even the shadow of reproach against petitioner, yet on the consolidation of the Irish Post-office with that of England, under the Duke of Richmond (who never visited the Irish department) when the New Secretary, Mr. Godby, arrived from Scotland in Ireland, he informed petitioner (on the 28th of February, 1831) that his future services would be dispensed with, and this without any previous notice, any written dismissal, any authority produced, or any cause whatever assigned; and subsequently, a person from Scotland was placed in the office from which the petitioner had been so unceremoniously and unjustly ejected, and thrown upon the world entirely destitute, with a wife and a numerous family of young children, after having devoted the best part of his life, with zeal and fidelity, to the public service, with the most unremitting attention to the arduous duties of a public office (giving up all other professions), and having been the means of detecting gross fraud and embezzlement of the public money. Petitioner was thus shamefully deprived of his situation in the land of his birth to make room for a stranger. That the Duke of Richmond stated personally to petitioner, after various efforts to gain redress, that his business would be settled; and subsequently by letter, that he would himself speak to the Lords of the Treasury to recommend their early consideration of his case, yet five years have elapsed without any relief or redress; that petitioner submitted a petition in 1832, which procured no practical effect; and his application to the Treasury, made in 1835, when at length by a minute of the Board the balance of salary due to petitioner, *53l.* 6*s.* 10*d.*, was ordered to be paid; but which had not been paid. He, therefore, was th us reluctantly driven, a second time, to lay his grievances before Parliament, and to entreat the House to order the production of all documents necessary to a fair exculpation of his character and the investigation of his case, and to institute such inquiry into the allegations of this petition and the circumstances of his case as would afford him such ample relief and redress as the public interests; and benevolence and justice demand.' He thought the case imperatively demanded interference. The hon. Member quoted Lord Rosse's testimonial sent to the petitioner; stating "though the inquiry into this may be retarded, as it has been, it will ultimately and necessarily, unless justice be done to both, come forward; and perhaps it may lead not only to redress in your case, but better and honester principles prevailing in public offices in future in this country, where it is the practice, under notions of subordination, to muzzle all the inferior men in office, lest they should disclose the malversations of those above them, and prevent the public from being plundered with impunity. One of my reasons for remaining in this country is to attend to your cases next Session." What could be more honourable or just? He would move that the petition should be brought up and read, and on Friday next he should move for the papers necessary to substantiate the statements in the petition, and for the appointment of a SelectCommittee thereon.

The *Speaker*.—I do not know what can be meant by the words "relief and redress" in this case, but the asking for a grant of money. I apprehend that there is no rule connected with the practice of this House which is more clearly defined, than that which simply declares that no petition shall be received which contains an application for money, without the sanction of the Crown having been first obtained. This is a question to which, in the discharge of my duty, I think it very necessary to call the attention of the House, because a practice has lately grown up in the instances of a variety of petitions which have been presented, of carefully keeping out of view the term "money," and then proposing to refer these petitions to the consideration of the House. These petitions have been renewed under these circumstances, and the consent or recommendation of the Crown has been evaded and dispensed with; not only by thus reviving the petitions, but by the division of Committees. I say this the rather, because I have had my attention called to the subject. I have looked back to several of these petitions, and I apprehend there has been an irregularity in our proceedings which renders it the more necessary we should revive that practice.

Mr. *Wilks* agreed in what had fallen from the Chair, but he thought it would be drawing the rule too strictly to apply it in the present instance, when the prayer of the petition was for an investigation to clear the petitioner's character.

The *Speaker.*—I do not mean to enter into the general merits of the case to which this petition refers; but I would throw out a suggestion for the consideration of the House, which it appears to me may obviate any difficulty which may exist. Perhaps it will be more convenient, if the petition be received, that some memorandum should be put on record, that it is received only in so far as it does not relate to an application for public money.

The *Chancellor of the Exchequer* said, that with respect to this petition, he thought that every subject of the realm, who felt that he had been aggrieved by any branch or department of his Majesty's Government, had a legitimate claim to appeal to that House, even though the wrong he had suffered might be of a pecuniary nature; but he had no right, with a view to redress of those wrongs, to come before the House for pecuniary redress without the consent of the Crown. As the hon. Gentleman who had presented the petition had stated that it was his intention to bring the allegations contained in it before the House, he thought the petition should be received. Unless the House was prepared to act on the suggestion of the Chair in petitions of this description, it would be establishing the most inconvenient of all precedents, as it would open the door to all manner of private applications for money, which it behoved the House to watch with great caution, and tend to great annoyance. He had no objection, as he said before, to the receipt of the petition, but when the subject was again brought before the House, he should be ready to deliver his sentiments on it.

Petition laid on the Table, and ordered to be printed.

AGRICULTURAL COMMITTEE.] The Earl of *Darlington* was desirous of knowing from the noble Lord opposite (Viscount Howick) whether the Agricultural Committee intended to report this Session? He had heard, with no little regret and astonishment, that the Committee had determined to make no Report. He was confident that if such were the case, the agriculturists throughout the kingdom would feel great dissatisfaction on learning, that after sitting and hearing evidence for five months, the Committee were not prepared to satisfy the nation on a subject of such importance. He wished to know whether any motion was intended in order to bring on a general discussion, or whether any other means would be taken to inform the public why the Committee had made no Report?

Viscount *Howick:* Perhaps I ought to leave it to the Chairman of the Committee to give a reply, but as the noble Lord has addressed himself to me, I may be permitted to observe, that it was no less a matter of surprise to me than to others when I learned, that the Committee on the State of Agriculture has come to no report. The motion for reporting the evidence only was made by the right hon. Member for Cumberland, and it was seconded by the noble Member for Buckinghamshire; but the Members of Government upon the Committee were perfectly ready to discuss the propositions contained in the Report which had been drawn up by the Chairman, the hon. Member for Hampshire. In deference, however, to those who were immediately connected with the agricultural interest, they agreed that no opinion upon the evidence should be expressed. I did venture to express my surprise, that in a Committee of twenty-five Members, eighteen of whom were county Representatives, no one connected with the agricultural interest brought forward a proposition even for discussion. If, therefore, the noble Lord (Lord Darlington) has been disappointed, from the same disappointment the Members of Government are not exempted.

Sir *James Graham* objected to a discussion being raised upon the mere asking of a question, and then proceeded to observe, that he had made a proposal——

Mr. *Hume* interrupted the right hon. Baronet, to say, that if any one were allowed to go into the general merits of the question, similar indulgence could not be refused to him.

Sir *James Graham*: however irregular it might be to enter into the general merits of the question, it would be doubly irregular to deny him an opportunity of answering a statement directed against the course of conduct which he thought it proper to pursue during the proceedings before a Select Committee of that House. He had merely a short statement of facts to make.

Mr. *Hawes* presumed, that if there were to be a full and regular renewal of the debate, every Member would be entitled to a hearing. If the right hon. Baronet and his Friends at the other side of the House were allowed to state their views, it was to be hoped that those who entertained different opinions would be allowed to state, explain, and defend theirs.

Sir *James Graham* was ready to conclude with a motion, if a technical difficulty were thrown in his way; but he claimed a right, after what had been said, to give an explanation of his conduct in the Committee of Inquiry into the state of the agricultural interest—an inquiry, the magnitude and importance of which he presumed that no one would be disposed to question. He begged, in the first instance, to observe, that the motion for the appointment of that Committee was made by the noble Lord, the Secretary of State. Now, he desired to ask, had Government undertaken the management of the inquiry? On the contrary, they seemed to have avoided any connexion with it beyond nominating a certain portion of the ministers to be members of that Committee. It must be full in the recollection of the House, that when a similar inquiry was instituted during the administration of Lord Grey, a Cabinet Minister presided; but it was well known that the Committee of this Session had not in its chair any Member of the present Government. The chair was filled certainly by an hon. Gentleman who was usually one of the supporters of Ministers, but he held no situation in the Government. It had been said by the noble Lord opposite, that Ministers were at least very constant in their attendance as Members of the Committee, and were remarkable for strict punctuality. Of the attendance at that Committee, as at all others, doubtless a note was taken, and the minutes of the proceedings would show what the attendance had been, and from this, of course, the share that Ministers had taken in the proceedings would be apparent. From the minutes of proceedings of the Committee, it would also appear that Government had acquiesced in no Report being made. He should content himself with these remarks, and proceed to say the few words that were necessary to a vindication of his own conduct, after the severe strictures which the House had just heard. It was said, that he had acquiesced in there being no Report; what were the facts? At the close of the inquiry he came down and found that no plan was prepared; that Government were going about fishing for a Report; that they had gone to sea without a compass, ready to catch at anything that might turn up; that was the literal state of the case, and could it cause surprise, the Government having declined to take that lead in their proceedings which their situation required, that when they were unprepared with any plan, he should have taken the course which he had adopted? Surely the imperfect and undecided state of their views on the question was not to be made matter of censure as respected him. He would move, that the Orders of the Day be read.

The Marquess of *Chandos*: It is quite true that I seconded the motion of my right hon. Friend, that no Report be made, and I will fairly state why. The Report laid before us for adoption was of such a nature, that if it had gone before the country as the Report of the Committee, it would have done more injury to the farmer, than anything else that can well be imagined. I therefore thought it my duty—and if there be any blame in doing so, I am willing to bear it—to second the rejection of that Report. When the evidence goes forth it will show, among other things, who attended; and I would much rather stand alone in my opinions than be fettered by such as were offered in the Report.

Mr. *Shaw Lefevre*: Having had the honour to be Chairman of the Committee I may be allowed to say, that I endeavoured to conduct the inquiry as impartially as I could. My object was, that no class of persons connected with agriculture should have it in their power to say that their case had not been considered. It is true, that, after the Report I had drawn up had been read, it was moved that the evidence should be laid before the House without any observations; and it is true also that the Secretary of State for the Home Department supported that motion. He did so very much in deference to the opinion of the noble Member for Buckinghamshire, and my noble Friend expressly said, that until he heard the noble Marquess he was not prepared to agree to the proposition of the right hon. Baronet. [Lord *John Russell* had said, that he deferred to the authority of the noble Member for Buckinghamshire.] The noble Lord reminds me that the expression he used upon the occasion was, that he deferred to the authority of the noble Member for Buckinghamshire. My Report certainly did not meet the views of the Committee, and all I can say of it is, that it was formed on an honest conviction that it was supported by the evidence, and if the Committee had allowed it, I could have shewn that every paragraph had been established. As to the interests of the farmer, I can assure the House that no one has a greater interest in maintaining them than I have: the great evil has been, that the farmers never have been told what is the true state of the case. They have had too great a dependence upon Corn Laws. Therefore I said, that they ought, in the first instance, to look to their landlords, and that when they had fairly and properly reduced their rents, the farmers must rely on the other sources possessed in common by all agriculturists, by which many are now enjoying a state of comparative prosperity. I am aware that unless the Report obtained the sanction of the great majority of the Committee, it would not have had due weight with the country, and for this reason I do not say that we could have come to any other conclusion than not to give any opinion. At the same time I am bound to add, that if after such a protracted inquiry, and such a mass of evidence, the Committee was unable to agree upon any distinct measure of relief, it is a very convincing proof that it is not in the power of the Legislature to do anything.

Mr. *Hume*: Although the Committee consisted of country gentlemen, in the proportion of, I believe, three to one, and although the Committee was appointed at their earnest instance, I am delighted to find, that the investigation has ended as I foretold. I will only make this observation to the noble Marquess. He hopes that the evidence will go forth and show how far his case has been made out; but the portion of the evidence I have seen, destroys his case entirely. I have not seen the latter part of it, but what I have seen establishes, that the labouring man —in whose behalf the country gentlemen were so loud, who never thought of themselves in the preservation of the Corn Laws, but only of the agricultural servants —for the last six months prior to the sitting of the Committee was in a better condition than for many years past. This is a great ground of satisfaction to me, although the noble Marquess may say it makes out his case for a reduction of taxes paid by the farmer. He can make out no case for the reduction of a single tax, excepting the tax upon one horse kept by the farmer, and not employed in the work of his farm. Everything shows, that the landed interest does not pay one quarter of the taxes paid by other classes. I, too, wish the evidence to go forth to the country, for if I can read it aright, it will establish the case I have always maintained.

Mr. *Evelyn Denison* said, that the right hon. Baronet opposite, the Member for Cumberland, had made his speech in the present discussion rather a vehicle for an attack upon the Government than any vindication of the proceedings of the Committee; that appeared to him to afford cause for regret. He expressed his regret that the motion for no Report to be made had been adopted, although he admitted that he did not agree in all parts of the Report drawn up by the Chairman. He feared that the country would be disappointed at the separation of the Committee without the expression of any opinion.

Sir *Broke Vere* thought the country had a right to look to the Legislature and to the Government for a Report. No such motion as that of the right hon. Baronet would have been made had it been thought likely that the Committee would have come to a satisfactory conclusion.

Mr. *Wakley*: I rise in consequence of the remark of the hon. Member for Middlesex, who talks of the improved condition of labourers employed in agriculture. I wish to be informed whether any of the labourers were examined, and if they were, from what counties they were selected?

Lord *John Russell*: I am sorry that I was not in the House when this discussion commenced, but I feel bound to afford such explanation as I can give, relative to the statement of the right hon. Baronet opposite. I do not at all wonder at that statement, although I consider it extremely partial, and likely to lead to erroneous conclusions; and it renders it necessary for me to call the attention of the House to the facts, as they relate to the Agricultural Committee. The noble Member for Buckinghamshire had stated that it was his intention to move for an inquiry into agricultural distress, and the Government was of opinion that, with the many complaints on that subject from the owners, and more particularly from the occupiers of land, it was fit to appoint a Committee. At the same time, in proposing such a Committee, I did not state that there was any great or prominent measure of relief which could, in my opinion be the result of its labours. With respect, however, to certain burdens on the agricultural interest—with respect to county-rates and poor-rates, I thought that such a Committee might be able to ascertain whether measures to be adopted by Parliament might or might not be practically beneficial, and lead to some improvement. In naming the Committee, I placed upon it a great majority of Members for agricultural counties, and I believe it was objected at the time, that out of 30 Members, 23 or 24 represented, almost exclusively, the agricultural interest. The Committee was appointed, and my hon. Friend the Member for Hampshire was made chairman of it. The investigation was prosecuted with great diligence, and when we first came to the question, what should be the matter of inquiry? I think every Member of the Committee will support me in the statement, that I said it would be unwise to put fetters upon it; that no fetters ought to be put upon the inquiry beyond such as were necessary to prevent the evidence extending to subjects quite foreign and unconnected. The consequence was, that the Committee entered into an investigation more extended than that of the Committee of 1833. At the conclusion of their labours, and when a sufficient number of the Committee was in attendance, my hon. Friend, the Chairman, produced his draft of a report. It was communicated to me, as well as to others; but it so happened that I believe I was one of the last to receive it. The Committee was summoned to consider it: no less than twenty-five Members attended, and eighteen of those were Members for counties. And with regard to Members for counties, it is to be observed that of those whom I had named as representing counties connected with manufactures, the noble Lord the Member for Lancashire declined to attend; so that the county Members were chiefly Members for agricultural counties, and represented agricultural interests. I came to the Committee under the expectation that the draft of the report was to be considered point by point, and prepared to give my opinion upon every sentence. It was to me matter of great astonishment to find the right hon. Baronet, the Member for Cumberland, the chairman of the Committee of 1833, propose immediately that the whole Report should be suppressed, that not a word of it should be taken into consideration; but a resolution be passed, declaring that the Committee would only report the evidence. I thought the course extraordinary, but my surprise was lessened, and my opinion a good deal changed, when I heard the noble Marquess, the Member for Buckinghamshire, second the motion. Certainly I had expected, that if the report of my hon. Friend the chairman were not adopted (and I was not disposed to press upon the Committee all the statements it contained), it would be considered fairly, and that Members would state their individual opinions. It did not contain any proposal for the immediate relief of agricultural distress; but I little thought that a motion would be made for its total suppression—suppression too, by those who had been calling upon the House for months, and not only for months but for years, to take into consideration the distress of the agricultural interest. The right hon. Baronet and the noble Marquess had no proposal to make, they had no definite remedy to offer, but merely moved the suppression of the report. I said on the occasion that if I, as a Member of the Government and of the Committee, agreed most reluctantly to that course, it was not that I was not prepared to enter fully into the statements contained in the draft of the report or in any substitute that might be offered; and I added that my wish was that the Committee should give an opinion, in the first place, with respect to the working of the new Poor-law now in operation; next, upon a remedy applicable to tithes affecting agricultural interest; and thirdly, upon the question of the currency, a subject that had occupied much of the attention of the Committee. I declared myself ready to enter into these topics, to debate these points, and to endeavour to cause my opinions to prevail; but if they did not prevail, I was ready that the Committee should agree to a report containing the opinions of the majority. [Sir *J. Graham:* You proposed nothing]. I said, that these were fit subjects for a report, and I added that my opinions were very much those embodied in his draft by the Chairman. I must also mention, that I gave it to the Committee as my opinion, that a further ground for hesitation and reluctance in agreeing to the resolution of the right hon. Baronet was, that great disappointment would prevail in the country, and that the farmers who had applied to Parliament for some inquiry and for some remedy, if they would have been disappointed at the refusal of investigation, would be still more disappointed at the separation of the Committee without making any report. I have said thus much to show that Government at least is not responsible for the Committee having come to no result. My noble Friend near me (Lord Howick) has observed, that the Committee, by adopting no report, did negative many a statement both with regard to agricultural distress and the remedies applicable to it. I certainly concurred very much in that opinion. For instance, with respect to the currency, it has been said in the present and in former Sessions, that the great remedy for agricultural as well as for all other distress, is the repeal of the Bill introduced by the right hon. Baronet, effecting a change in the circulating medium. That subject was fully investigated by the Committee, and by not coming to any resolution it has confirmed the opinion entertained by the right hon. Baronet and myself, and repeatedly stated in resolutions of this House. It shows that those who have endeavoured to raise the country on that subject are not prepared in a Committee of twenty-five members, eighteen of whom represent agricultural counties, to back their own opinions. I repeat, then, that for the non-adoption of any report Ministers are not responsible; we were quite ready; I came down to the Committee fully prepared to have some three or four days' debate on the report, and those who are responsible are the Members who have over and over again asserted that the agricultural interest is in distress, and that relief could be given by Parliament. The result of the whole is that—admitting, as I must do, that distress has prevailed for some years among the occupiers of the land, a distress which I have always lamented, and which, I hope, is now diminishing—it is not to be relieved by a change in the currency; that it is not to be relieved by a repeal of the malt tax; that it is not to be relieved by any specific measure that Parliament can apply to the evil. I have not been forward in calling myself the advocate of the agricultural interest—I have not been forward in summoning meetings of farmers to demand inquiry by Government or by Parliament—I have not been forward in asserting that justice was denied to the agricultural interest; but I will tell the House what, as a humble Member of the Administration, I have done. I have been forward in co-operating with a former Government, as a Member of that Government, in passing a Bill which I thought would prevent abuses in the administration of the Poor-laws, which would prevent large sums of money being laid out improvidently, and which would tend to restore to the labouring classes of England that character of independence which they formerly enjoyed. I have likewise endeavoured to my utmost, and I hope not unsuccessfully, to pass through Parliament some measure which might relieve the agricultural interest from the levy of tithes in kind, one of the most oppressive burdens that could be inflicted. I have also assisted my right hon. Friend near me, the Chancellor of the Exchequer, in proposing some alleviation, by some aid from the public, with respect to county-rates. These things I have done because I thought they were practical measures, tending, as they advanced and promoted the interests of agriculture, to advance and promote the interest of the community. I never have, and I never will profess myself to be the sole and exclusive advocate of any one interest, agricultural, commercial, or manufacturing. I consider it the duty of a Member of Parliament, as well as of a Member of the Government, to attend to the interests of all impartially. I never will endeavour to raise a cry upon these subjects, or to promote an imputation on the character of Parliament, or on the character of either of the two great parties who occupy these benches. I think that the right hon. Baronet opposite (Sir Robert Peel), in his conduct, with respect to the currency, and with respect to the Malt-tax, took a wide and enlarged view of the interests of the country; and I am not disposed to let any party feeling interfere with the discharge of what I consider my duty; but having attended to these three great questions—poor-rates, tithes, and currency—I hope we shall stand as fairly before the country as those who, indulging in perpetual and empty declamations on agricultural distress, have endeavoured to increase discontent, without having any measure to propose by which distress could be relieved, or discontent removed.

Mr. *Ormsby Gore* contended that although the Committee had thought proper not to make a report, that was not a sufficient ground for asserting that no sufficient case of distress had been made out on the part of the agriculturists. There was scarcely a tax raised in the country which did not bear directly or indirectly upon the farmer; and if any proof of the existence of extreme distress were wanting, he would refer to the state of the rents throughout the farming districts, which had fallen, in many cases, from 1*l.* to half-a-crown, and even in some cases the farmers refused to take the land rent-free. The noble Lord the Secretary for the Home Department had said that no person was prepared to offer any remedy for the existing distress; for his own part he thought that the existence of the evil being proved, as it now indisputably was, it became the duty of those intrusted with the government of the country to devise the remedy. It could not surely be expected that the farmers throughout the country should have to wade through the mass of evidence contained in this report, in order to digest the subject, and take upon themselves to originate some measure before any relief was to be extended to them.

Sir *Robert Peel* thought it necessary, as he had been a member of this Committee, to trespass upon the House with a few words on the present occasion. When the Committee was originally appointed, it would be recollected, perhaps, that he had reluctantly given the proposition his assent; and the reason upon which he assented to it at all was, that being perfectly aware that distress did prevail to a very great extent in many of the agricultural districts, he knew with what feelings of bitterness and alleged hardship men who were deeply concerned in these interests, deeply and personally affected by that distress, might view an unconditional refusal on the part of the Government and of the House to inquire into their condition. But well he recollected also that whilst he gave this as his reason for acquiescing in the appointment of this Committee, he at the same time predicted that nothing but disappointment would be the result. He foretold this upon many considerations. In the first place, he recollected the Committee upon this very subject in 1833, which reported its opinion to the House that the agriculturists should seek relief from their own exertions rather than from any extraneous or collateral sources. In that report he had acquiesced, and he remained still unaltered in his opinion, that, let the newly-appointed Committee make whatever report they might, it would come in the end to the same result—and it would be a delusion for them to tell the country, or to hold out a hope, that Parliament had the relief of the agriculturists at all within their power. He certainly could not deny, that the present system of tithes was a very serious burthen upon the land; and, so far as it went, a fundamental cause of the distress which at present prevailed. But this subject was one which could only be dealt with by the House itself; nor did he expect that the House would, on that question, suffer itself to be guided by the opinion of a Select Committee. Then there was the currency. The inquiry before the Committee was certainly a general one; and, therefore, it would have been unwise to have thrown the slightest impediment in the way of their examinations even upon this point. He had interposed, therefore, no impediment in the way of the particular question mooted in the inquiry, fixed as his own opinions were and are, that—(without discussing the expediency of the new system of currency which some years ago was adopted)—great distress must inevitably prevail throughout the country, if any attempt were to be made for returning from the present convertible currency, to the inconvertible paper currency which formerly existed. He thought it would be impossible, now, to return to the old system without materially endangering the stability of the property and interests, not of one, but of every class of persons in this kingdom, and giving rise to doubt and anxiety in the public mind of the most painful character. A metallic standard and a convertible currency had existed during a period of fourteen years; and all the transactions during that period having been engaged in under that currency,—and upon the faith pledged, time after time, by this House that the currency and standard should not be again departed from—it would be, in his opinion, useless and hazardous, in the extreme, to hold out any prospect of a re-opening of the question. It was now agreed upon, on all hands, that Parliament never adopted a measure more likely to secure to industry its reward, and to preserve a fair equality in the prices of labour and of necessaries, than that for a just and unfluctuating currency. The result of the inquiries in the Committee went to prove the beneficial operation of that measure; the condition of the working classes was found to have been gradually improving under the present system of currency, and it was shewn that any alteration in that system could now only act injuriously upon those who depended upon the price of their daily labour for their support. With respect to the course adopted by the Committee in declining to frame a report, he must say that, for his part, he was not surprised at it: and whatever disappointment might have been felt by some parties at the absence of such a report, that disappointment had been small compared to that which would have been experienced, had the Committee merely reported opinions upon which they had all agreed. That any discussion had taken place upon the subject at all, he looked upon as no mean compliment to his noble Friend (Lord Chandos), who, by merely giving a vague notice of an intention to move for an inquiry upon the subject, caused his Majesty's Government to anticipate him by a passage in the King's Speech at the beginning of the ensuing Session, recommending such an inquiry to be made. His noble Friend's influence with the Government must undoubtedly have been very great, when, by a casual intimation of this kind he caused the subject to be taken up in his Majesty's Speech, and subsequently put in course of inquiry by the noble Leader of his Majesty's Government in that House. To show still further the deference which the noble Lord (Lord John Russell) paid to the influence of his noble Friend, when the noble Lord came down to the Committee to state his reasons why he thought no Report should be made, the noble Lord said he came to that conclusion in deference to the opinion of his noble Friend. Really, his noble Friend (Lord Chandos) must wield a potent influence in the State, when he had caused the Government to institute this inquiry, in the first place, merely by having entered a notice on the subject,—and then to make no Report, in deference to him. It had been alleged that he could be but little affected by the state of the agricultural interest. But he could say, that he had a much deeper personal interest in agriculture than in any other interest or branch of industry in the State. He felt the most strongly-rooted attachment to agriculture, and he believed that these were the strongest reasons to justify a feeling of preference;—At the same time, he was so perfectly satisfied that the hopes of the agricultural interest must rest eventually upon their own exertions, that he could not bring himself to encourage the delusive expectations, on their part, that the Legislature, either by an alteration of taxation or any other change in the financial system of the country whatever, could permanently or substantially place them in an improved condition. He should rather tell the agriculturists to look at the farmers of Scotland, and endeavour to work out some plan of amelioration, and consequently of relief for themselves, which, however inadequate, perhaps, to meet the temporary pressure, would eventually be found much more beneficial than any which Parliament could afford. To say the truth, he must own that he did not anticipate that any immediate or striking amelioration could at present be afforded, either by the exertions of Parliament, or of individuals. Such important changes, and such stupendous improvements had been made, of late years, in the mechanical arts, and in the application of them to the wants of society, that every interest in the kingdom must be expected to be affected by them to a considerable extent; and above all others have they wrought mighty changes in the relative situation of the farmer. It must not be concealed from them that steam-navigation was making a great revolution in this country, bringing as it did the produce of distant lands into competition with old and exhausted soils, and that this was the great reason why the stiff and clay lands of this country were subject to the disadvantages under which they at present laboured, and to which they must continue to be exposed till a check was interposed to the progress of human improvement. This, he would repeat, was the principal and strongest reason why the occupiers of stiff and clayey soils could not enter into a successful competition with the farmers of other lands which were more favoured by circumstances. Taking these circumstances into consideration, he acquiesced in the resolution of the Committee not to submit any Report to the House. But, if he might be allowed to say so, his recollection was not exactly the same as the noble Lord's with respect to the course of conduct which the noble Lord had pursued in reference to the proposed Report. He was bound to say, however, in the outset, that in his opinion both the House and the Committee were under great obligations to the Chairman of the Committee for the industry, the ability, and the great impartiality which he had shown throughout the inquiry. But as it seemed that they were at liberty to divulge the secrets of the prison-house, he would venture to state what, as far as his recollection guided him, the noble Lord did when that Report was submitted to the Committee. The noble Lord went through that Report, reading it, like a magician, backwards, and as he went on he struck all the brains out of it. The noble Lord stated, when he objected to parts of the Report, that he would give most satisfactory reasons why they should not be retained. There was this objection to any observation on the subject of the currency, that a distinct Resolution had been passed by the House,—that any alteration in our monetary system, which would have the effect of lowering the standard of value, was highly inexpedient and dangerous to the best interests of the country. Now, when a Select Committee was appointed to consider the subject of the currency—a question of immense importance, and immediately interesting every member of the community,—I cheerfully resigned any advantage I might have derived from the Resolution, and relied on the intrinsic force of truth, and on the weight of the evidence collected in the course of the inquiry. Then we came to the question of the malt-tax, and to the question of an increased duty on foreign corn. The noble Lord said, that these were questions for his right hon. Friend, the Chancellor of the Exchequer, and of too much importance to be reported on by a Select Committee, and he wished the paragraphs in which those questions were referred to, to be omitted. The noble Lord acted in the same manner with respect to one or two other points, and when he came himself to look at the Report, he found that the noble Lord had, with his sickle, so carefully cut down and gathered up every important Resolution of the Committee, that hardly anything was left to Report upon; and he had nothing to do but to assent to the proposition that the Committee should not present any Report. On the whole, he thought that there would be less disappointment felt from giving the evidence unaccompanied by any Report, than would be the case if the Committee presented a mere mutilated document relating to matters of comparatively little importance. The noble Lord did, indeed, propose a panegyric upon the reduction which had been effected in the county-rates, a reduction amounting altogether to 70,000*l.*, and which was attained by the partial transfer of expenses of criminal prosecutions to the Government. He believed that the farmers were quite aware of the fact, and that in consequence their rates had been reduced a farthing in the pound; the noble Lord's proposed Resolution was at any rate a proof that he thought either that we were not informed of the fact, or were not sufficiently alive to its importance. The noble Lord also recommended that the Report should specify the Tithe Bill as a measure of great importance, and likely to afford great relief to the agricultural interest; but he suggested to the noble Lord that the Tithe Bill had not yet passed into a law—that it was then before the House of Lords; and that although he sincerely hoped it would receive their assent and concurrence, he deemed it to be rather premature to dwell upon a measure as being a great boon to the agricultural interest which had not yet become law. The noble Lord then adverted to the progress which had been made under the new poor law in diminishing the burdens upon agriculture, but he did not think that it was exactly the province of the Committee to enter upon the consideration of the Poor-law; for very little evidence had been taken upon the subject, and although that question would doubtless have formed a useful head of inquiry, yet, as the Committee did not enter upon it—the consequence would be,—if it had ventured to say too much, and to predict great benefits, from the measure, that that Report, although future events might confirm the conjecture on which it had proceeded, would not be founded on any evidence that had been received. There was, however, a paragraph in the Report relating to stiff lands which had been left undrained, and recommending the Scotch method, of an application of the plough and draining the subsoil. We all felt, on reading the Report, that if we omitted every thing relating to the corn-laws, every thing about the malt-tax, and the corresponding duty on foreign corn, the plough, in a Report thus presented, would stand in rather too bold a relief. Then other Gentlemen said, they had heard of harrows, and other mechanical improvements, which they thought deserved mention. He was at first, certainly, disposed in favour of presenting a Report; but when he considered all the circumstances to which he had referred, and the expectations which had been formed, he most willingly acquiesced in the propriety of making no Report at all; and he was very sure that the disappointment which would be felt would not be so reat as if the Committee had presented a Report in which all the remedies that had een proposed for the relief of agriculture hould have been discussed. He had ttempted to state, and he hoped he had ucceeded in stating correctly the proeedings before the Committee; and he must say, that if the noble Lord was the original author of the proposal for a Committee, and therefore responsible for what he Committee had done—[*"No! No!"*] Why, surely the noble Lord, in advising he King to recommend that Committee n his speech from the Throne, was more esponsible for the appointment of such a Committee than a county Member who had given a vague notice that such an inquiry would probably be instituted the next session; and therefore, he said again if the noble Lord without a division agreed to let the Committee report the evidence only to the House, it was rather too late for him to endeavour to throw the responsibility of the Committee having agreed to no Report, upon the shoulders of others.

Mr. *Ashford Sanford* said, that, as he had understood the matter the discussion in the Committee was, not as to whether the Report prepared by the Chairman should be received, but whether there should be any Report at all. He was of opinion that the landowners would find their interests not improved by the constant agitation of this question, as it would necessarily deter persons from vesting their capitals in land.

Sir *Robert Price* said, that at the time the Committee was moved he predicted that no benefit would result from its inquiries. The very circumstance that the Committee had not been able to frame a Report showed that there was no clearly defined views on the part of the agriculturists themselves as to the remedial measures which would afford them relief.

Mr. *Hawes* was surprised to hear the right hon. Baronet, the Member for Tamworth, take credit to himself for the assistance rendered by him to the Government in passing the Poor-law Bill. He was in office from 1817 to 1830, and never brought forward any measure for the amendment of the Poor-laws.

Sir *R. Peel:* I did not at all detract from the merit due to the present Government for the passing of the Poor-law Amendment Bill; nor do I wish to take any credit to myself except for not having made it a party question.

Mr. *Hawes* said, the right hon. Baronet had rendered the Government no assistance in carrying that measure. All he wished to observe upon it was, that, when it was said that the present Government had done nothing for the agricultural interests it should be remembered that the credit of passing the Poor-law Bill was entirely theirs. He wished also to make one remark upon an observation that fell from the noble Lord, the Member for Buckinghamshire. The noble Lord said, the evidence taken before the Committee would support his case, now what the noble Lord's case was, he (Mr. Hawes) did not exactly know, but why was it not brought forward in the Committee, if the evidence would support it? He was glad this debate had been originated. It would now go forth to the country, that after the parade about agricultural distress, and the remedies that were to be provided for it, the Committee were not able to agree upon any one mode by which relief could be afforded.

The Report brought up.

NEW HOUSES OF PARLIAMENT.] Mr. *Hume* rose, according to the notice which he had given, to call the attention of the House to the manner in which the building Committee for the New Houses of Parliament had conducted their proceedings, and acquitted themselves of their task. It was with some reluctance that he felt bound to stand up and arraign the conduct of that Committee, which had most negligently, and for want of due consideration, led the House and the Government into a very disagreeable predicament, there being no hope whatever, that the projected new buildings would be ready for two or three years to come, unless some different arrangement were immediately adopted. The Committee, in his opinion, had erred in many particulars, a few of which he would mention to the House. They had erred, in the first place, in not fixing the amount of expense at which the new building should be erected. He had stood alone in the Committee upon this point; he was opposed by them all, and when he found his right-hand friend, the hon. Member for Bridport, against him also, he thought it was useless to persevere. He disapproved, also, of the restriction as to the style of architecture to be adopted. He thought it quite possible that an architect might draw a very pretty picture to gratify the eyes, without attending to the more essential particulars of good accommodation and convenience in the interior arrangements. His ignorance of the different points and characteristics in the various descriptions of architecture had at the time prevented him from giving that opposition to that proposition which the information he had since obtained on the subject would induce him to do. Another error of judgment which the Committee fell into was, to name the Commissioners on whom the task of selection was to devolve before the plans were delivered in. He had no wish to make personal allusions to any gentleman whose name was in any way connected with the projected plans, though the hon. Member for Tewkesbury had taken so erroneous a view of something which had fallen from him on a former occasion, as to suppose that he had intended to make a personal attack upon the successful competitor for the new buildings. He could assure the hon. Member that nothing was ever further from his intention or his thought. He was of opinion still, however, that if the recommendation which he had given the Committee, last year, had been attended to, and that no plan had been adopted until publicly exhibited, the Government would have escaped the unpleasant predicament into which they had now fallen. The next error on the part of the Committee was, that they gave too short a time for the preparation of the plans for competition. He had been informed by several respectable artists, that three or four months was too short a time to do justice to such a work. A twelvemonth would not have been too much. He believed that the consequence of this regulation was, that several first-rate architects had abstained from preparing plans under the conviction that the time allowed was too limited to prepare them with the attention the subjects required. Well, of those who did send in designs, Mr. Barry was awarded the prize. As to the grounds on which the Commissioners made the selection, he was prepared to maintain that their judgment was erroneous. No doubt Mr. Barry's plan was a fine picture, well calculated to deceive one young and inexperienced in architecture, but it ought not to have imposed upon such old, tried, and practised artists as the Commissioners. No one, he thought, would dispute the position, that the two great requisites in any new plan were, sufficient internal accommodation and good ventilation. What then was the plan recommended by the Commissioners? Was it in any way conformable to the instructions given for selecting no plan which did not afford sufficient accommodation? The Commissioners, in answer to a question put by the Committee, stated, that they considered the exterior of the plan remarkable for its beauty. That no one questioned. But when they were asked—are not there other plans superior in internal arrangement? they admitted there were. Another question was then very naturally put, which was this—if there be other plans affording better internal accommodation, may it not be so arranged, that a design should be chosen combining the beauty of Mr. Barry's plan with the greater convenience and accommodation supplied by the other? The answer was, that they had no objection to such an arrangement. The result, however, was, that Mr. Barry's plan was adopted. The Report of the Committee was laid on the table of the House without any opposition from him; but he thought the hon. Members of the Committee would do him the justice to bear in mind, that on that occasion his opposition to the plan was understood by them only to be postponed. When the Commissioners came before the Committee he asked them this question, "Have you ascertained that, in the interior arrangements of Mr. Barry's plan, the instructions of the Commissioners of Woods and Forests, under which, and which alone, the architects were required to give in their plans, have been complied with?" The answer was, "They have, and the internal accommodations do correspond with the instructions." He had then no opportunity of ascertaining whether such was the case or not; but since the last plan had been produced, there could not be a doubt but that the instructions published in the *Gazette* had been departed from, as well as the Report of the Committee and their resolutions, all of which were to have been considered by the architects as the means by which their proceedings were to be guided. It was a duty which they owed to those architects who had taken so much trouble and given so much of their time to prepare their plans, which, if carried into operation, would afford sufficient internal accommodation as well as reflect credit on the age in which we lived, to ascertain whether justice had been done to them, and whether a fair and liberal interpretation had been put upon the instructions given for the plans of the new Houses of Parliament. The hon. Member here read the advertisement which had been published in the *Gazette* for supplying plans of the new Houses of Parliament, and then continued. Either Mr. Barry's plan was or was not a fit one. If it were not fit, it ought not to be carried into effect. If its chief merit consisted in being a pretty picture, and that that was all required by Parliament, if they took the trouble of advertising, he had little doubt but that they would be supplied with prettier pictures. But if Mr. Barry's plan was not a proper one to be adopted, and not in accordance with the rule which was laid down for every man submitting plans, namely, that they should be practical, and that the expenses should be confined within fair and reasonable limits, in that case he thought that the other architects who acted in accordance with the rule had a right to complain of the selection of a plan that had deviated from it. He did not wish it to be supposed that he was in the first instance anxious to have the expenses of building the new Houses limited to a very small sum. He did not so much care whether the expense was fixed at half a million or a million, as that something like an accurate account of them should be given; but it must, he thought, be admitted, that there was a point with respect to the expense of building the new Houses, beyond which no man on the Committee was prepared to go. If, for instance, it had been stated to the Committee, that the erection of the new Houses would cost one million or even two millions, could any doubt that they would not have been prepared to go that length? The claim of those artists, therefore, who gave in plans which they adapted to the amount which Parliament was understood to be willing to expend, ought not to be so set aside as to give an advantage to one who had kept no such limit in view. He should point out some of the differences between the instructions given for the new buildings and Mr. Barry's plan. To begin with the House of Lords. It was required that there should be a space below the bar of 480 superficial feet. In the plan there were but 220. So that in this respect there was a deficiency of 260 feet. For the body of the House the instructions were, that 864 feet should be the extent of space allotted to it. There were but 627 feet. There were apartments for private interviews required by the instructions, which, with some other apartments, were altogether omitted in Mr. Barry's plan. There was also a deficiency in the strangers' gallery. Now with respect to that House, it was required, that the body of it should contain 460 Members. By the plan it would, he believed, contain only 326. The instructions required that there should be two division-lobbies immediately adjoining the House, one of 1,800 feet, and the other 1,100, making together 2,900 feet; and would the House believe it, by Mr. Barry's plan the space allowed for the two was 1,028, being a deficiency of 1,872 feet. There was but one room for the clerk of Engrossments, instead of two, which the instructions required. There was a waiting-room altogether omitted, besides many other deficiencies. He had a right, then, to find fault with the Commissioners for stating, that the plan accorded with the instructions, when he had proved that it did not. Now, with respect to the expense of carrying Mr. Barry's plan into execution, he confessed he always felt strong doubts of the accuracy of the estimates of the expenses of such buildings since the period that his consent had been gained to voting a sum of 300,000*l.* for building Buckingham Palace, where the actual expenditure was found ultimately to amount to 780,000*l.* or 800,000*l.* His views were certainly not altered by the manner in which the Commissioners had proceeded in estimating the probable cost of erecting these new Houses of Parliament. He conceived, that on this head he had a fair complaint to make against the Commissioners. When a question was put to them as to the expense of carrying Mr. Barry's plan into effect, they said they had no reason to believe that it would exceed 500,000*l.*, and they added to this belief, if he recollected rightly, the authority of the architect himself for the statement that it would not cost more. With that testimony he believed the Committee was satisfied. [*No, no.*] At all events, he did not think that a matter of such importance should be decided on such vague evidence, and he suggested that the Commissioners should be asked to go a little more into details, to justify the estimate which they had furnished. He was bound to say, that not only was no objection offered to his proposition, but that every facility was afforded to him in his endeavours to have it carried into effect. Now, what would the House say, if, in the space of four or five weeks, the opinion of the Commissioners was so changed, that their estimate of 500,000*l.*, was raised to 724,000*l.*? Believing, as he did (for he had the authority of eminent artists for the statement) that the lowest estimate on which the plan could be carried into effect was 1,300,000*l.*, and that if all those ornaments which had caught the eyes of the Commissioners were supplied, it would amount to 1,800,000*l.*; what confidence, he asked, could be placed in the judgment of those when the cost of those buildings would be treble or rather quadruple the amount at which they originally computed it? Besides, the plan which had been selected by the Commissioners was no more like that now produced than an oblong square was like a triangle. Here the hon. Member pointed out on the plan, a copy of which was in the hands of most of the Members, the alterations which had been made, and contended, that as several most material changes had been made since the selection of Mr. Barry's plan, that gentleman had been favourably, whilst the other artists had been unfairly, dealt with by the Commissioners. It now became an important question—and he wished the right hon. Gentleman the Chancellor of the Exchequer to answer it—what plan was to be carried into effect, the first which was submitted, or that now adopted? And he was desirous of being further informed, whether the plan last chosen was to be looked upon as a final one. The Government ought, in his opinion, to annul their former proceedings in reference to this subject. They ought to recollect the recommendation of the Report of the Commissioners to confine the cost of these buildings to 724,000*l.*; that the plan now adopted differed from that to which the prize was accorded, in almost every particular; in its exterior, in its internal arrangements, and in its situation. Would the country believe, that, by this plan of Mr. Barry's, three arches of the bridge, all but twelve feet, would be blocked up, and that in fact the building was to rise out of the water like the buildings of Amsterdam, and that those who were obliged to pay for its erection would have the satisfaction of being enabled to see it only from the opposite side of the water. Therefore, on the part of the public, and in behalf of the architects who had submitted plans which would have reflected credit on themselves as well as on the Government that should adopt them, he asked the House to give them an opportunity of again submitting those plans to consideration. The hon. Member concluded by moving, "that a humble address be presented to his Majesty, praying that in order to obtain plans for the new Houses of Parliament, in accordance with the instructions already issued by the Commissioners, his Majesty may be pleased to direct a further competition in designs, without limiting the designs to any particular style of architecture, and confining them to a certain fixed sum; and which designs may be publicly exhibited previous to the appointment of a Committee by his Majesty to examine and report thereon."

Mr. *Ewart* seconded the motion, on the grounds that the place selected was not a proper one, and that the design which had been adopted was not the best that could be chosen.

Mr. *Hanbury Tracy* defended the Commissioners from the charges brought against them in the petition of the competing architects. He, for one, knew nothing of Mr. Barry up to the time he was called upon to consider the plan he sent in, and, therefore, could not with justice be accused of any partiality in his favour. The petitioners had made it a ground of complaint that they had been put to very considerable expense and labour in getting up their designs. He not only admitted that such was the fact, but, going a step farther, he was prepared to say, that the designs in question reflected on their authors the greatest credit. In the drawings sent in there was marked evidence of a great improvement in the science of Gothic architecture. Although it might be considered improper to particularize, he could not avoid remarking, that there had come from the north of the Tweed one set of drawings which, in point of beauty and knowledge of the art, never had been and never could be surpassed. But was it to be understood from this complaint of the petitioners that all the competing architects expected to have succeeded? Ninety-seven entered into the lists. Surely all did not expect to have succeeded. It was a matter of chance throughout, and the disappointed parties had no more right to complain of the expense and labour they had been put to in the preparation of their designs, than would have the unsuccessful ticket-holders in a lottery a right to seek back the sums they had paid for their admission into it. It was then complained that four only of the five Commissioners ppointed had acted. There might have been something in this ground of objection f any division of opinion had occurred beween those who did act, but as their ecision was an unanimous one, he thought wholly unworthy of observation. The etitioners stated that, although the exense of the buildings to be erected was not mited in the specification, they neverthe-ess had been induced to regard it as a most mportant consideration, and to frame their esigns accordingly. The Commissioners aving, however, come to their decision on rounds wholly independent of expense alleging that this was a consideration of o public importance), the architects considered their merits unfairly prejudiced by he comparison of their plans with one in he preparation of which expense was not made a question. Now it was altogether a mis-statement to assert that the Commissioners had regarded the consideration of xpense as one of no public importance. On the contrary, it had formed one of the main elements of their decision, and it was ecause Mr. Barry's plan appeared to them o excel in the combination of good design nd moderate estimate, that the preference ad been accorded to it. The hon. Member of Middlesex seemed of opinion, that a much larger sum than 720,000*l.* would be eventually required to carry Mr. Barry's plan into effect. If that were proved likely o be the case, Mr. Barry's plan would certainly not be acted upon. Mr. Barry was now on his trial with regard to the expense of his design, and if the estimates exceeded 720,000*l.*, his plan would not be adopted. The awarding of the first prize had been objected to by the petitioners, on the ground that the plan of most merit in regard to elevation had not been the selected one. That, however, was not the question. The prize was awarded to the best "design," and the interpretation of that word was not restricted to mere elevations, but was made to include the main and general plan of the building. It was asserted, that the specifications were not in conformity with the resolutions of the Committee of the House. That was a mis-statement. They were in strict accordance with the resolutions of the Committee of 1835. Mr. Barry was accused in the petition of having planned his lobbies on too small a scale; but the fact was, the lobbies in his plan exceeded, in point of size, those required by the specification by 1,848 feet. The mistake occurred in consequence of the petitioners altogether mistaking the situation of Mr. Barry's lobbies, and representing in their stead two narrow slips, intended for quite another purpose. The hon. Member for Middlesex seemed of opinion, that the Commissioners, in neglecting to compare accurately the area of each room in each of the proposed plans with that described in the specification, had failed in discharging their duty to the public, and prejudiced the interests of the competing candidates. Why two years would have been scarcely sufficient for the adequate performance of such a task, and in the end no advantage would have been derived from the investigation. In his humble judgment, it was upon the accuracy of the general plan, and not of the minute details, that the Commissioners were bound to make their decision. The hon. Member for Lambeth had objected to Mr. Barry's plan, as not being of the most approved Gothic order. He (Mr. Tracy) admitted, that it was of a more simple character than most Gothic buildings, but thought that that very circumstance was a recommendation in its favour. The estimate of the expense of the original plan could not be very far wrong, for it was 500,000*l.*; and the estimate of the expense of the improved plan, in which the building was lengthened a hundred feet, was 700,000*l.* The various competitors had for months been employed in endeavouring to discover defects in Mr. Barry's design. Perhaps they might in some trifling respects have succeeded. But he was sure, that if their designs had been scrutinised with as microscopic an eye, not an individual would have been considered entitled to the prize. He confessed, therefore, that he wished they had looked a little more into their own deficiencies, instead of so severely scrutinising the deficiencies of others. In conclusion, the hon. Gentleman observed, that the Commissioners had endeavoured to the best of their ability to discharge the duty intrusted to them, and had submitted to his Majesty, which, in their deliberately-formed opinion, was that which was freest from objection. That plan had been sanctioned by the approbation of the King, and of the Houses of Lords and Commons. It had also met with the general approval of the public; and he contended, therefore, that it was the plan which above all others ought to be adopted.

Mr. *Estcourt,* although he did not profess himself to be a competent judge on the subject, acknowledged that Mr. Barry's plan appeared to him to be one of great architectural beauty; but he did not think that the manner in which that gentleman had been released from attention to the specification was at all calculated to produce a building fraught with all the conveniences which were so necessary to the two Houses of Parliament. Nothing ever pleased him more than the views which he had seen of the elevation of the two Houses of Parliament according to Mr. Barry's plan; but convenience seemed to him not to have been taken into consideration, either by Mr. Barry or by the Commissioners. When he saw that a plan which was originally pronounced to be excellent, was altered so extensively, because it was not considered fit for the purpose for which it was intended, he could not but think that if the other architects had been allowed a similar privilege, plans might have been furnished infinitely better calculated to produce a building answering the two necessary conditions—first, that it should be well fitted for the purpose for which it was intended; secondly, that in point of architectural beauty it should do credit to the country. The country and posterity were entitled to expect that the greatest care ought to be taken to insure the fulfilment of those two conditions. It appeared to him to be exceedingly unjust, that a design in which the specification was not attended to should be allowed to enter at all into competition with designs in which the specification was attended to. It had been said, that the plan had been greatly improved. He was glad to hear it. Perhaps if time were allowed, it might be still more improved. If the hon. Member for Middlesex should press his motion to a division, he would certainly vote with him; for the purpose of endeavouring to give the country the benefit of every precaution that the important object in view should be accomplished in the best possible manner.

Sir *J. Hobhouse* wished to make a few remarks on two or three of the observations which had fallen from the hon. Member for Middlesex. All the main points of the speech of that hon. Member had been most satisfactorily answered by the hon. Member for Tewkesbury. One of the last complaints of the architects who had petitioned the House on the subject was, that the Commissioners had come to a decision on their own judgment, and had not appealed to the opinions of professional men. Now what would have been the case if the Commissioners had appealed to the opinions of professional men? In the first place, that it was a self-acknowledgment of their own incompetence to the task; and in the second place, that it was opening the door to undue bias. If the Commissioners had been judiciously selected (and that they were so he believed no one would deny), the proper course for them to pursue was to decide upon their own judgment. They had so decided; and their judgment had been confirmed not only by his Majesty and the two Houses of Parliament, but by the unbiassed opinion of the great mass of the public. Among the other allegations on the subject, Parliament and all the parties concerned were accused of precipitancy. Now with reference to a national undertaking of so much importance, it was exceedingly desirable that they should not only not be justly subject to such an imputation, but that the matter should be put beyond all suspicion, and that the public should be perfectly satisfied that nothing had been done without proper care and deliberation. He would state, therefore, the exact course which had been pursued. On the 2nd of March, 1835, a Select Committee of the House of Commons was appointed for the purpose of considering the best mode of rebuilding the two Houses of Parliament. That Committee was formed as fairly and impartially as it was possible to form any committee. To show how deliberately that Committee proceeded, it would be enough to state, that it finally adopted a course entirely different from that which it originally determined upon. Its original determination was, that a gentleman whose eminence in his profession was acknowledged by every one, should be appointed the architect, to whom the rebuilding of the two Houses should be at once committed. Nevertheless, so fair, so open to conviction, so inclined to consult the public opinion, was the Committee, that after long consideration it reversed its original decision, and determined that there should be a public competition. On the 3rd of June, 1835, that Committee made its report; and about the same period a Committee of the House of Lords made a report to that House. Both Committees recommended that a Royal Commission should issue, and that the Commissioners should be empowered to offer premiums for the best plans with reference to the object in view. Addresses to the Crown from both Houses were presented in consequence; and on the 14th of July, 1835, a Commission was appointed; on the character of the members of which for talent and learning it was unnecessary for him to dilate. In the selection of that Committee he did believe that the most judicious course had been pursued; and if of that he wanted a proof, it might be found in the public approbation. On the 21st of July the Commission issued a notice to the architects of the empire, accompanied with instructions and a lithographic plan. Four other notices were subsequently issued in reply to queries from several architects who wished to know if they perfectly understood the original instructions of the Committee. What was considered sufficient time having been allowed for preparation, the Commissioners carefully examined ninety-seven plans, accompanied by illustrative designs, and ultimately made a report to his Majesty. In that report the Commissioners recommended the adoption of Mr. Barry's plan. That recommendation, however, was never held to be final. It was referred to the consideration of a Select Committee of the House of Commons, appointed on the 9th of February, in the present year. It was true that when that Committee assembled, it did not consider itself called upon to discuss the question as a matter of taste. It was allowed on all hands that the Commission having been appointed to determine which was the best plan offered, it was the duty of the Committee to consider how far, with reference to expense and other practical matters, the adoption of the Report of the Commission ought to be recommended to Parliament. That Committee was appointed from all sides of the House. After sifting the Report of the Commission, as far as it was qualified to do so, the Committee made a short report, recommending (so cautious was it not to do any thing precipitately) that during the Easter holidays a rough estimate should be formed by Mr. Barry of the expense that would attend carrying his plan into execution. Assisted by one of the architects attached to the office of Woods and Forests, Mr. Barry did accordingly frame such an estimate. When the Committee re-assembled, what did it do? On the first day, after examining the estimate of Mr. Barry and hearing the estimate of Mr. Chawner and Mr. Hunt, it came to the conclusion that the estimate was not sufficient. There was no precipitation in that. With great respect for the hon. Member for Middlesex, he (Sir J. Hobhouse) did consider that the resolution on which the Report of the Committee was founded was unanimously agreed to. The Report was drawn up with the greatest care, stating "that it did not appear to the Committee that it would be safe or expedient to engage in a work of such magnitude and importance until a due and accurate estimate, founded on detailed specifications and working drawings, should have been made, and carefully examined and approved by competent authority." It was evident, from that passage that one of the great objects of the Committee was to guard against precipitation. The Committee never thought it possible that it could be so accused. The Members of the Committee never erected themselves into judges of architectural merit. They were not so presumptuous. They knew what would have been said if they had done so. To show what had been said of them, without their having so assumed, he would read half a page of the catalogue of the architectural designs, sold at the door of the National Gallery.

"The author of these designs has discovered, too late, that he has committed a great error in acting upon the principle by which he has been governed in preparing his plans.

* * * *

"It was his opinion that the Tudor style of architecture admitted of great distinction and variety in its application. A course of study, during nearly forty years, had convinced him that it enabled the professor to give different characters to buildings intended for different purposes; that all buildings for civil uses might be distinguished from ecclesiastical buildings, by appropriate characteristics, but he has since been taught, by authority proceeding from superhuman intervention, that the Tudor style is homogeneous; that is, that all buildings of the kinds above alluded to ought to assume one and the same uniform character, and to abound in buttresses, church windows, and other distinctive marks of ecclesiastical buildings. To authority such as this, the architect has only to bow in obedience. * *

"The author of these designs has been further miserably mistaken as to the means of preserving the associations which hallow the ancient site; thinking, as he did, that visible objects were necessary to excite such pleasurable sensations. In this view of the subject, he considered that the east end of St. Stephen's Chapel (a conspicuous object to all who approach London over Westminster Bridge) should still preserve its ascendancy; and the west end of the Chapel and south window of Westminster Hall regain the conspicuous part they formerly held in the view from Old Palace Yard. The Commissioners have determined otherwise, and, by their decree, have resolved that the charm of association may be better effected by demolition on one part, and, on the other, by immuring the Chapel in the walls of the intended buildings.

"Neither did the author contemplate the

absolute necessity that exists for the introduction of a tower, to atone for the want of that which should have been reared above the meeting of the nave and transept of the Abbey; for although its introduction, as a portion (and a large portion) of Parliamentary buildings, appeared to be in no degree required as an object of utility, or as adding to the consistency of the character of the designs, it might possibly be necessary in some point of view unknown to all but the Commissioners. Facility of approach to the higher parts might have appeared to be another objection to the introduction of such an inaccessible building. The greater probability, however, is (for, on this occasion, we have only surmises to guide us), that the Commissioners meant that the exclusion of the south window in the Hall, and the west end of the Chapel, should be attributed by after-ages to a phenomenon of rare occurrence, and that the tower should be thought to have removed itself from its original position over the Abbey, in order to perpetuate that act of exclusion so propitious to the cause of old associations. It will be recollected that the Chapel of our Lady of Loretto, after traversing the Mediterranean Sea, quietly placed itself in its present locality; although the Tower of Pisa, in attempting the same feat, could only detach one foot, which left it standing, obliquely as it does, as a warning against future attempts of this kind. The incredulous of the present day may protest against the supposition that miracles still exist. Oh! blind to passing events! have they not heard of heaven-born amateurs of architecture, inspired with a knowledge that architects expect in vain to obtain by long practice and experience,—such as enables them to decide in all cases, however difficult, without the necessity of recourse to extraneous aid? The author was himself formerly a sceptic, but he became a convert by the accidental perusal of a scene in one of the novels of Smollett, where the denouncer of Count Fathom, as the Pretender, proves his case by irrefragable argument; "for," says the accuser, "if he be not the Pretender, who the d—l can he be?" In applying this irresistible piece of logic to the Commissioners, the author triumphantly puts the same question—if they did not obtain their knowledge from heaven, where the d—l could they get it?

It was proverbially said, "do not put your hand into a wasp's nest." And this he must say, that if Mr. Barry should succeed, as he, (Sir J. Hobhouse) trusted he would, in securing the admiration of his country and of future ages—if he should succeed in producing the most magnificent building of modern times—he would have paid a penalty, and the Commissioners would havpaid a penalty, too great to be counterbalanced by the personal gratification; for never since the principle of competition was first established had such unfair, such unjust, such violent, such incessant attacks been made as had been made by the unsuccessful competitors in the present case against Mr. Barry, and against the Commission. The hon. Member for Middlesex seemed to be of opinion that the Commissioners had selected the plan, not which was the most pregnant of conveniences, but which was the most replete with architectural beauty. Now, let the House look at the very first question put to the Commissioners by the Select Committee, viz. "Has the result of the opinion of the Commissioners as to the preference of one particular plan, proceeded from their conviction of the superior merit of the internal arrangements, and of the beauty of the external architecture?" What was the answer? "Unquestionably." Again—"Combining the two?"—"Combining the two." Similar questions were put, and similar answers given, over and over again. The hon. Member for Middlesex made another charge against the Committee still more extraordinary. He alleged that the present was not the plan originally selected; and that if the other architects had had the same opportunity of emendation as Mr. Barry, they might have produced plans still better than his. What was the fact? That the Committee had repeatedly asked the Commissioners, if Mr. Barry's plan was such as to admit of emendation in the interior arrangements. One of the questions put to Mr. Tracy by the Committee was, "You think that Mr. Barry's plan is capable of being made, with the improvements you have suggested, and the additional improvements that it may still receive, as good, as to interior arrangements, exclusively, as any plan which has been submitted to you?" The answer was, "Certainly; I have no hesitation in saying so." "Would it be possible to select the most convenient of the plans and apply the interior to Mr. Barry's elevation?"—"Impossible. Independent of which Mr. Barry can make all the alterations requisite, and render his plan more perfect, I should say, than any other." It would have been absurd, indeed, if the Commissioners had selected a plan incapable of improvement, or, having selected a plan that was capable of improvement, had determined that it should not be improved. For his part he trusted that while the building was going on it would still receive all the improvements of which it might be thought susceptible. He trusted that the architect would never be prohibited from adding or taking away any part which might be considered justly liable to objection. In the first paragraph of their Report, the Committee, to prevent any deception on the point of alteration, had broadly stated it, viz. "Your Committee consider themselves to be warranted in recommending for the adoption of the House the plan marked No. 64, which is the plan to which the first premium was awarded by the Commissioners appointed to consider the plans for building the new Houses of Parliament; subsequently to that award some alterations in the plan have been made, at the suggestions of the Commissioners and of the architect himself, which, in the opinion of your Committee, are calculated materially to improve the plan." It was clear from that passage that it was not intended to take the public by surprise, or to deal unfairly by the other architects. Did the hon. Member for Middlesex seriously suppose that if the greatest architect who ever lived had been revived, and had produced a plan obtaining the preference, it would not have been as much objected to by his rivals as Mr. Barry's plan had been? Had the plan of the great man who wrote the passage which he (Sir John Hobhouse) had quoted from the catalogue been adopted, would it have escaped censure? Had the plan of Mr. Wilkins been adopted, would not allusions have been made to the building which that gentleman was erecting at Charing-cross, on which, however, he (Sir John Hobhouse) gave no opinion, and would not his plan have been severely criticised? Let who would be the judges, let what plan soever be selected, did the hon. Member for Middlesex suppose that it was possible to secure general contentment? If they were to wait until they obtained a plan to which no exceptions were taken by professional rivals, they would wait for a time that would never arrive. He (Sir J. Hobhouse) was certainly not qualified to speak upon the subject, but undoubtedly he had the good fortune to concur with the Commissioners; and, moving as he did in a good deal of society, he had never but once heard a second opinion upon it. He must, therefore, give the motion of the hon. Member for Middlesex his most decided opposition; and he trusted that the House would not, by acceding to that motion, nullify the proceedings of the Commission, the Committees, and the two Houses of Parliament, and treat Mr. Barry in a manner the most unjustifiable.

Mr. *Hawes* thought, notwithstanding the many statements into which the right hon. Baronet (Sir J. Hobhouse) had entered, that no satisfactory answer had as yet been given to the arguments of his hon. Friend the Member for Middlesex. Mr. Barry had not fulfilled many of the conditions imposed by the Commissioners upon the competitors furnishing designs for the new Houses of Parliament. The Lords' Commissioners, for instance, gave instructions that a certain number of rooms, of a certain size, should be incorporated in that part of the edifice which was to be devoted to their use, for the convenience of the Masters in Chancery, counsel attending the House, agents, solicitors, witnesses, &c.; but in Mr. Barry's plan not one of these rooms was provided. When injustice, therefore, was spoken of, it must be taken as applying to those competitors who had complied with all the instructions given by the Commissioners; but whose plans, from not having been taken properly into consideration, had been superseded by one which, possessing some external beauties, had captivated the eyes of those whose duty it was to judge of the merits of all; but which in fact, hardly complied at all with the instructions which had been given. After dwelling at some length upon this point, the hon. Gentleman proceeded to read extracts from the evidence given by Sir Robert Smirke, to show that the data on which Mr. Barry had calculated the cost of the building, were of a most fallacious description. In conclusion, the hon. Gentleman stated, that he had been requested to state, that the Committee of Architects knew nothing whatever of the pamphlet from which the right hon. Baronet had quoted extracts.

Sir *Robert Peel* had heard the speech of the hon. Member for Middlesex, and he confessed it had not left upon his mind the same impression that it appeared to have done upon that of the hon. Gentleman who had just sat down. Notwithstanding the liberal and extended view which the hon. Member for Middlesex had taken of the subject, he certainly had failed to convince him (Sir Robert Peel) that the House ought now to set aside all that had been done with respect to these plans, and to commence the whole matter anew. In the course of his speech, indeed, the hon. Member himself stated that which would alone be a conclusive reason against his proposition, for the hon. Member declared that he still contemplated a change of the site of the Houses of Parliament. If that were so, surely it would be absurd to appoint a new commission, and to have a preparation of new plans, on the assumption that the site of the building was not to be changed. Then there was another point; supposing the hon. Member's motion to be acceded to, and a fresh inquiry to be instituted, he did not know where the House would now find Commissioners to undertake the task of deciding upon the merits of the plans submitted to their consideration. There certainly was one point upon which he (Sir Robert Peel) had firmly made up his mind—never again to act as a Commissioner upon any subject of this kind, where a preference was to be given to the skill of one man as compared with that of others who had entered into competition upon the same work. Because, if Gentlemen who acted as Commissioners gratuitously, and at the expense of a great deal of personal convenience, were afterwards to be assailed in a manner that the Commissioners in this instance had been, and, moreover, were to see the whole of their labours quashed in a way so unceremonious as that proposed by the hon. Member for Middlesex, he knew not where for the future any gentleman would be found hardy enough to undertake the office. But putting aside the Commissionership, the next thing that he should deprecate if it were a thing personal to himself, would be to be the successful competitor. Nay, he would rather be a Commissioner than the successful competitor, to be hunted and pursued with every species of invective in the way that Mr. Barry had been. If the consequence of successful competition were to be exposed to such a series of attacks as those which had been directed against that gentleman, he (Sir Robert Peel) would infinitely rather remain in privacy and oblivion. He thought at first that the Crown should be left at liberty to choose its own architect in the same way as every private gentleman was at liberty to select whom he pleased when he wanted plans for the erection of a house of his own. He thought that if the most eminent architect of the day were directed to undertake the task, there would be a much greater likelihood of obtaining a plan which would secure accommodation, and do credit to the architectural taste of the country, than if an open competition of all artists were invited. This was his original opinion, and he confessed that the circumstances which had since transpired had not much tended to induce him to alter it. Acting upon the opinion which he originally entertained, the Crown did in the first place invite one of the most eminent architects to prepare plans for the new houses, and that distinguished gentleman in consequence devoted several months to the task; and at last he produced a plan which was not adopted, because from what afterwards took place, it was never examined. The reason why he objected to open competition in the first instance, was, because he thought it would discourage the most eminent architects from entering the field, and giving the country the advantage of their designs. After alluding to the point of expense, and defending the estimates made by Mr. Barry, the right hon. Baronet proceeded to observe, that the alterations subsequently made in the plan selected, by no means indicated any original inferiority as some hon. Gentlemen would wish the House to infer. The question to be considered was, comparing Mr. Barry's original plan with the other plans submitted to the consideration of the Commissioners, whether Mr. Barry was fairly entitled to preference? If the Commissioners thought that, combining exterior, beauty with internal accommodation, it was upon the whole the best, and that it afforded the vastest elements for obtaining a building convenient for the Parliament, and creditable to the national taste, then he thought they were justified in giving preference to that plan. Having given it that preference were they to exclude it from all improvement? Could anything be more absurd than to say, that a plan adopted as the best of all that were offered to the consideration of the Commissioners was to be debarred from alteration? Whoever built a house and adhered so rigidly to the original plan? It would be matter for subsequent consideration whether, if they adopted the interior arrangements of the plan of another architect, it would not be consonant to the liberality of Parliament to assign him a reward. The question now before the House was not whether they should finally resolve to adopt Mr. Barry's plan, but simply whether they should declare the whole proceedings that had yet been taken null, Perhaps some hon. Gentlemen might think that they were acting under an implied engagement with Mr. Barry. To put an end to any doubt on this point, he would read a communication addressed to that gentleman by the Committee, explicitly stating their views of the matter. The letter intimated, that the Committee were not satisfied on the head of expense, and before any part of the building could be commenced, or any vote proposed to Parliament, the most minute and correct estimate possible must be furnished, on the understanding, at the same time, that this estimate would not, in the slightest degree, bind the Committee to the ultimate adoption of the plan. The Committee wished to know what Mr. Barry would consider an adequate remuneration for preparing the necessary specifications, but stated, at the same time, that this must be kept perfectly distinct from the consideration whether the plans were to be ultimately adopted or not, and what should be the rate of remuneration to be allowed. No engagement could have been entered into with Mr. Barry; there was only a *prima facie* presumption that his plan was entitled to the preference. If the estimate drawn up on more accurate consideration, should be found greatly to exceed the original amount, it would be perfectfy open for them to consider whether they would adopt it. The question was, whether they would extinguish all former proceedings in this matter, and invite a new competition, or allow Mr. Barry to proceed with his detailed estimate. If they should consent to annul all former proceedings, his belief was, that they would strike a fatal blow at the principle of competition. They would postpone the execution of a great national work for an indefinite period, and they would teach the most eminent of living architects to rue the day when in compliance with their invitation, they sent in plans which had the misfortune to be entitled to the preference.

Mr. *Wyse*, though generally favourable to the principle of competition, was decidedly opposed to the motion of the hon. Member for Middlesex. It would, in his opinion, be most unjust, for the sake of gratifying the spleen of some few disappointed people, to reverse the whole of the proceedings which had taken place.

Mr. *Hume*, in reply, contended, that the arguments advanced by him in support of his motion had been left wholly unanswered, and were, in fact, in his opinion, totally unanswerable. However, as the general opinion of the House appeared to be against him, he should not press his motion to a division.

Motion negatived.

Post-office.] On the motion that the Post-office Bill be read a second time,

Colonel *Sibthorp* said, that he had been for a long time endeavouring to procure a most important return which he thought ought to have been produced before this Bill was read a second time. The return which he required would show how many days the different Commissioners had sat, and how many hours *per diem*. He wished to know if that return was likely to be laid on the table of the House, and when.

Mr. *F. Baring* could assure the hon. Member, that no delay had been suffered to take place in preparing the return; and the only reason why it had not already been laid on the table was, that the hon. Member had encumbered it with so many details as to make it very difficult to be furnished.

Mr. *Wallace* rose to speak to the question before the House, namely, the second reading of a Bill for placing the Post-office under efficient control. He would begin by adverting to the first Report of the Commissioners of Inquiry, which recommended an important mercantile regulation, namely, the transmission of prices current at a small rate of postage. This, he hoped, would be effected; the question, however, chiefly before the House was, as to the adoption of a Board of Commissioners in preference to the administration of the Post-office under a Postmaster-general. It had been contended elsewhere, that this plan had been agreed to be adopted without due consideration. He considered it his duty to remind the House that Commissioners had sat on this question at different periods and all of them arrived at the same conclusion. There were Commissions in 1787, 1797, 1809, 1829, and 1835, all of which recommended that the office of Postmaster-general should be placed under commission. As the conduct of the Sub-commissioners, Captain Clements and Mr. Gardiner, had been animadverted upon elsewhere, he was bound to say, that he believed they had fulfilled their duty with great zeal and integrity. There were many points to which he wished to call the attention of the Chancellor of the Exchequer. The first was, the reduction of postage on letters. Lord Spencer and Lord Ashburton had both expressed their opinion in favour of such a reduction. And the latter noble Lord had declared, that a better application of 500,000*l.* of revenue could not be made than a reduction of postage to that amount. It would greatly benefit the country without the revenue ultimately sustaining any loss. The correspondence in the country would be so much promoted that an equal amount of revenue would be created. In the city of London the utmost possible use had been derived from the establishment of the two-penny and three-penny postage system. It was not, however, generally known that this description of post, in point of fact, was available for the carriage of parcels as well as letters. It would be of great benefit if this system were established throughout the whole country, the parcels being limited to a weight of four ounces. He would strongly press this point upon the attention of the Government. There was another description of postage which required consideration, that of ship-letters. At present all letters going by private ships were charged double postage for being carried across the sea. He begged the attention of the Chancellor of the Exchequer to this point. Again, it was often the practice to charge a penny postage in addition to the general postage charged on a letter; but this had been declared by the Courts to be contrary to law. He wished to draw attention to this fact; that in London letters by the General Post-office arrived at one hour of the day only, and at one hour of the day only were general letters sent away from that establishment. The general letters arrived and were distributed about eight or nine o'clock in the morning; and let the letters be put into the General Post-office here, at whatever hour in the day they might, it was not until eight o'clock in the evening that they were sent away, to the very great inconvenience of the country. It was a proceeding altogether unjustifiable, and one which was not known to be pursued in any other part of the kingdom. It ought not and could not be permitted to continue. There were six general deliveries every day from the post-office at Liverpool besides the penny-post letters. In that large community, perhaps second only to London, there was no difficulty whatever in delivering the general letters with those of the penny-post. The same thing was done at Manchester. But in London the post-office had been allowed to be conducted for half a century without any sort of alteration or improvement whatever. He could find out no reason why the mails should not be sent out of London at eight or nine o'clock in the morning, but that it suited the convenience of those connected with the establishment that they should remain till eight o'clock in the evening—that was for twelve or fifteen hours after being put into the post. Perhaps it was not known to the Chancellor of the Exchequer that the clerks in the General Post-office were employed only for a few hours in the day. The great proportion of them began duty about a quarter to six in the morning, and continued until nine, and from nine till five in the evening they were their own masters, most of them, indeed, being employed as merchants' clerks, attorneys' clerks, and such like. In short, instead of being public servants, they were servants to any who chose to employ them. This accounted at once for the detention of the mails. This was the best information he had been able to obtain upon the subject, though, as he had on former occasions stated, it was almost impossible, by any means he had been able to devise, to get an accurate and complete return of what went on in the establishment at St. Martin's-le-grand. Another subject of complaint was, the circuitous routes which letters often went. This was most unjustifiable. Some letters were sent to places eighty or ninety miles off, and were charged accordingly, although their places of destination were not distant more than six or seven miles. Nay, he knew of instances where letters were sent eighty miles, although the distance of their destination was only four miles from the post-office. Yet the postage for the whole distance was charged. The parties, therefore, not only suffered by the delay, but were additionally taxed in the bargain. This it seemed depended solely upon the fiat of the Postmaster-general, or of his secretary. In a petition from Great Yarmouth it was stated, that they not only had letters sent round in all directions, but that the Postmaster-General had positively refused to redress the grievance. He had told them, "I will tax you 9*d.* instead of 4*d.*," thus making himself equal to King, Lords, and Commons. And why? For no other reason than that he was Postmaster-General, and willed it to be so. It was with him, "*sic volo, sic jubeo*"—"I am Postmaster-General, and I have a right to do it." He would recommend the Great Yarmouth petition most strongly to the attention of his Majesty's Government. He begged to say, that, in the observations he felt it his duty to make, he had no intention whatever to reflect upon any person.

It was the system which he complained of, and wished to see reformed. He would avail himself of this opportunity of saying, that of Lord Litchfield, the present Postmaster-General, he had seen nothing but what was exceedingly creditable to the noble Lord. He denied, however, that that noble Lord had an accurate knowledge of his office. The noble Lord knew, no doubt, as much as any of his predecessors, but in the short space of time he had held his appointment it was impossible he could have acquired the necessary information. He (Mr. Wallace) was most ready, however, to admit that the noble Lord was an active, zealous, and intelligent public officer, anxious to perform his duties, and if he did not do so to the extent which he (Mr. Wallace) conceived he ought to do, the fault did not rest with him. He would now call the attention of the House to another part of the system. When he, on a former occasion, expressed a wish that letters should be delivered on a Sunday, he was accused of a wish to desecrate the Sabbath. Now what was the fact? Clerks were employed at the Post-office every Sunday to sort out the letters; but the mail-coaches were allowed to go out of town empty. What he contended for was, that the letters so sorted and ready should be put into the mails, and not be allowed to remain in the Post-office for forty-eight hours. The mail-coaches were not only prevented taking letters, but also newspapers; the consequence was, that expresses were employed to carry the papers to Barnet and other places about ten or fifteen miles out of town, and then put into the mail-coaches. Letters, as it was well known, were also often forwarded in this way. Who would advocate such a system as this? But would the House believe, that the Post-office positively employed another description of persons to do the duty at Barnet, Hounslow, and other towns, on the Sunday, which this system necessarily created. So that instead of lessening the labour on a Sunday they increased it; besides putting the editors of papers to a great expense for running expresses which they must and would do. Foreign mails, it should also be borne in mind, were allowed to go on a Sunday. The editors of papers had frequently applied to be allowed to put papers into the mails, instead of being forced to hire expresses to carry them to the adjacent towns, but permission had always been refused to them. There was another circumstance connected with this subject, to which he requested the particular attention of the Chancellor of the Exchequer, because it not only referred to a matter of great public convenience, but one which in some degree was connected with his own office. He alluded to the system of registering letters, so that they should be secured going to their place of destination when they contained money. That system was established in Ireland by Sir Edward Lees, and worked well for three years, not costing the Post-office more than 80*l.* a year. It was put an end to by the Duke of Richmond when he consolidated the Irish with the English establishment. The effect was, that 20,000*l.* a year in bank-notes used to pass safely to their destination, which did not now pass safely through the Post-office. Temptations were afforded to persons connected with the Post-office to break open the seals, extract the contents, and destroy the letters. Immense money was thus lost, and the plunder never discovered. It was, in fact, an encouragement to Post-office thieving. The system of negotiation ought to be established throughout the three kingdoms. There was no reason why it should not, except that it would occasion a little additional trouble. With regard to the number of hours the Post-office in London was kept open, the time was curtailed most extraordinarily. No letter could be put into the General Post-office after seven o'clock in the evening, nor before eight in the morning. Even the very receiving-boxes were shut. A person might go to the General Post-office, and find many ladies and gentlemen, tradesmen, and working-men, coming with their letters, after the prescribed hour of seven, when, too late for that night's mail, they had not the consolation of even being allowed to drop their letters into the box, but must repeat their visit in the morning. What reason could there be for this? No reason, but a vulgar prejudice at the Post-office, which made them think that a General-post letter was a better thing than a Two-penny-post letter; whereas, common sense saw no difference between them. They were both letters, and nothing more. But the Two-penny-post box was open at all hours of the day and night (Sundays included) as all the post boxes ought to be. If those letters were safe, so would General-post letters be safe too. If the mails were sent at all hours of the day, it would be a great convenience to the public. This could, he was sure, be done, while at the same time the rate of postage ought to be reduced. It would be proper not to charge more than *3d.* upon any letter sent a distance of fifty miles; for 100 miles *4d.*; 200 miles *6d.*; and the highest rate of postage ought not to be more than *8d.* or *9d.* at most. He could not understand why letters ought not to be sent by the stage as well as the mail coaches, for, according to a return he had, it appeared that no stage coach travelled as slow as the mails. He had to call the attention of the House to the packet service. According to the recommendation of the Commissioners, two Bills were to be brought in; that expectation, he believed, would not be found to be correct, for this reason, that it was known that a second Bill was not necessary, the Treasury having sufficient power to act upon the suggestions of the Commissioners. The report of the Commissioners proved, that there had been a loss, not as he had stated upon a former occasion, of 800,000*l.*, but not less than from 1,200,000*l.* to 1,300,000*l.* For such a loss as this surely some one ought to be responsible. There had been, instead of a profit, a large annual loss both at Holyhead and Liverpool. At Holyhead station there had been a degree of fraud, carelessness, and plunder, which was disgraceful to any country. In a petition which he had seen that day, but which was not yet presented, it was alleged that an agent in Liverpool had, in the name of the Post-office, run in debt 6,000*l.* more than he had assets to pay. He did not think that anything could be more objectionable than the sytem of intimidation that prevailed at the Post-office. It had prevailed to such an extent that the captains of packets and those who supplied the stores were afraid to make any complaint. Now, with regard to responsibility, he had to remark that the Under Secretary for the Post-office denied that he was responsible, while the very acts of that Secretary went to show his responsibility. A system of mulcting the inferior and hard-working officers of the Post-office was one not creditable to the establishment, nor useful to the public. Taking that department altogether he was obliged to say of it, that it was a general system of jobbing from first to last. There were, for instance, the packets. From 800,000*l.* to 1,000,000*l.* had been expended upon twenty-four packets employed by the Post-office, and if they were to be sold to-morrow he was sure they would not bring more than 150,000*l.* The hon. Member proceeded to say, he was glad to find, that they were now to have letters sent to France at a given price, provided they did not exceed a certain weight. That was a just principle, and one which was sure to be approved. He had now done what he proposed; he had brought these several points under the consideration of the House. In conclusion, he would move the adoption of the following resolutions, with the exception of the three last, which he did not intend to press on the House:—

1. "That the present numerous complicated laws respecting communications by post be repealed, and replaced by clear comprehensive statutes.

2. "That a reduction be made on the present rates charged on letters sent by the General Post, whether domestic, colonial, foreign, or private ship letters.

3. "That the rates of postage by the General Post be chargeable only according to the computed distance by the nearest carriage-road between one post-town and another.

4. "That letters from the colonies and dependencies of Great Britain and Ireland may be received free by Members of Parliament, the same as if coming from subjects of the King in these countries.

5. "That postage be chargeable to Members of Parliament, by weight, on whatever may exceed the allowance of one ounce each on the aggregate of fifteen letters, presently allowed to be franked, namely, fifteen letters free, if not exceeding fifteen ounces on the whole.

6. "That the terms penny and two-penny posts shall cease to be used.

7. "That the term parcel post be substituted for those of penny and two-penny.

8. "That parcel posts shall be considered elsewhere, as they are in London, as short distance local posts; and that postage shall not be superadded, in future, on general post letters or newspapers, although forwarded through the parcel or penny post.

9. "That parcel posts, similar in all respects to the present two-penny and three-penny London posts, which cover letters and parcels not exceeding four ounces in weight, and which have so long been working beneficially for fifteen miles in and around London, be generally established all over the kingdom.

10. "That parcel post mail bags may be sent by stage coaches wherever this can be done better and cheaper than by horses, mail carts, or mail coaches.

11. "That mail bags may be sent from the General-Post-office in London, as they are in every other town whatever, at any suitable hour of the day.

12. "That all mail bags arriving early in the morning in London, be sent forwards towards their destination by ten o'clock at latest the same day.

13. "That stage coaches, having a guard, may be employed to carry mail bags containing general-post letters, whenever the public service will benefit thereby.

14. "That the powers, duties, salaries, and emoluments of post-office surveyors and deputy post-masters, be defined and regulated, and published at every post-office.

15. "That post-offices in towns be established in convenient central situations.

16. "That maps of the roads of post communication be published by authority, and for sale; and time-bills connected with each locality be exhibited in every post-office, in some conspicuous place.

17. "That a sum amounting to 800,000*l.*, as some calculate, or to nearly double that amount, according to the computation of others, has been lost to the nation, in consequence of recklessly creating and obstinately persisting in the maintenance of a fleet of post-office steam-packets.

18. "That those to whom these losses are attributable are unworthy of public confidence.

19. "That the Crown lawyers do prosecute defaulters or delinquents connected with any frauds or other unwarrantable losses sustained by the public in the steam-packet branch of the post-office service; and also, any other defaulters or delinquents in any other branch of the post-office department, where losses have been unduly sustained, since the consolidation of the Irish and Scotch post offices with that of England."

The *Chancellor of the Exchequer* suggested to the hon. Member to withdraw his Resolutions, on the ground that they would prove a serious obstruction to the measures in contemplation for the removal of many of the evils of which he complained.

Mr. *Wallace* said, he should be sorry to persist in any course that would have the effect of obstructing measures so valuable as those to which the right hon. Gentleman had alluded. Therefore, he at once consented to withdraw his Resolutions.

The *Chancellor of the Exchequer* thanked the hon. Gentleman for the course he had taken, and informed him that his Resolutions would have been a great impediment in the way of the proposed Bills. The House would not expect him, at that late hour of the night, to follow the hon. Gentleman through the whole of the details of his speech; at the same time he hoped the hon. Gentleman would not attribute his not referring to those details to any want of respect for himself, and still less to any indifference towards the important questions brought under the consideration of the House. He agreed entirely with the hon. Gentleman as to the firs proposition laid down by him. He admitted that the present constitution of the Post-office of the country was indefensible. It appeared to him that a great office of administration like this, or a great revenue department, was not properly constituted in being placed in the hands of one officer, who retired from the office whenever a political change in the Government took place. Such an arrangement must have a tendency more or less to throw the administration of the establishment into the hands of subordinate persons. Within a short period not less than five noblemen had held the office of Postmaster-general. The result of a system of that description must be an administration of a nature that ought not to exist in a great revenue department. He was gratified in hearing the hon. Gentleman render justice to the great merits of the noble Lord who at present held the office of Postmaster-general (Lord Litchfield.) But he would go back to the administration of the Duke of Richmond, and rest his disapproval of the present administration of the Post-office on the result of the exertions of that noble Duke. He was convinced that in the perfect knowledge he displayed of the principles on which the Post-office department ought to be administered, in the indefatigable industry he exhibited, in the pains he took to do all himself that he could do, in the general ability that he showed, he had never been equalled; yet it was impossible to say, that even the administration of the Duke of Richmond was a species of administration that they would wish to continue of a great revenue department. It was evident, however, that if any one could have succeeded in it the Duke of Richmond could. These were the general views he entertained of the subject, and he thought they were sufficiently forcible to induce the House to read the Bill which he had submitted to them a second time. All concurred in this, that the period had arrived when they must not only contemplate an alteration, but endeavour to effect a real improvement. Such was the object of the Bill he now proposed. There were matters of detail, of course, to be embraced in the after discussions of the Bill, but they were matters rather for a Committee than for the House, while the Bill was in its present stage. He asked them now to read the Bill a second time—to approve the general principle—that a mere political officer, acting at the head of this department, was as improper, as such an officer would be at the head of the Customs, the Excise, or the Stamp Department. As to the patronage, he would not make the officers entirely independent of the treasury. The right hon. Gentleman defended to a certain extent the packet system, as at present established. He would say, however, that the department of St. Martin's-le-Grand ought not to be intrusted with the management of the steam packets: the Admiralty was the proper power for governing them. He did not mean to recommend that the Admiralty should determine at what hour the packets should sail; that was an arrangement which should remain with the Post-office; but all relating to the administration of the general affairs of the packets would be more safely left to the Admiralty, than to the Post-office. The hon. Gentleman had alluded to the French convention. He thought it a subject for much satisfaction, that that convention had been agreed to, for it put an end to a very rude and inconvenient system. He believed, that the two countries, in making this arrangement, which had been done with perfect cordiality on both sides, and in a very liberal feeling on the part of the French Government, which was certainly reciprocated by ours, had commenced a good system of communication, which would not be bounded merely by the limits of France, but would extend itself over the whole continent of Europe. Belgium, Holland, and no doubt the other powers would in time show themselves willing to adopt the same principle. But an observation had been made on the irregularity with which this treaty had been carried into effect. He did not mean to make any complaint in the slightest degree with reference to the manner in which the convention had been acted on by the French Government; but for that irregularity, such as it was, this country was in no way accountable. It was referable entirely to the French authorities, who had their own agent here to make arrangements to carry the treaty into effect. An ordonnance, it appeared, was issued before the arrangements were complete, for the convention to be carried into effect. The French authorities were aware that it was necessary to come to Parliament on the subject—that Parliament should sanction one of the Bills they knew was necessary; but they issued the ordonnance it appeared while their own negotiator, their own agent, was on his return to Paris, and he did not know of the issue of the ordonnance till he arrived at Paris. In the course of this day, however, the direction had been given, to which the hon. Gentleman had adverted, and he trusted that no further inconvenience would be experienced. He hoped the House would pass this Bill, and he had no doubt that those points which had been thrown out, would not escape the attention of the House.

Mr. *Hume* inquired of the Chancellor of the Exchequer, what he thought of the propriety of transmitting prices current, free of postage?

The *Chancellor of the Exchequer* said, he felt the importance of the suggestion, but he feared that great inconvenience would arise from sanctioning the free postage of every publication that assumed to be a price current.

Mr. *Mark Phillips* suggested the propriety of having two mails every day, between London and Liverpool, and London and Manchester. He thought that the foreign letters, which were received at an early hour of the day in London, ought not to be detained the whole day in the Post-office in London, but that they ought to be forwarded immediately to their different places of destination, in order that the interests of commerce might not suffer by their detention. He also suggested the propriety of allowing foreign prices current, to be sent free by the post.

Mr. *Labouchere* said, it was under consideration to abate the inconvenience usually felt from the detention of foreign letters in London, during the whole day; it was not, however, without difficulty that such an arrangement could be made. When the Bill came into Committee, he would explain why it was, that the Commissioners were strongly of opinion, that a person at the head of the Post-office department, should have a seat in the House. He anticipated considerable public advantage from the transfer of steam packets from the Post-office to the Admiralty. He was of opinion, that much benefit would result to the public, when the steam-packets were provided for out of the navy estimates, from the strict scrutiny to which those annual votes were subjected in this House.

Mr. *Goulburn* said, that as the right hon. Gentleman who last spoke had stated, that on the present occasion he should not enter upon the reasons why he supported this Bill, but should defer them until it went into Committee, he should also be content to let the subject pass at present, after merely entering his protest against what he must consider the very unconstitutional principle involved in the Bill.

Colonel *Sibthorp* expressed his determination to oppose this Bill in every future stage, as he looked upon it as highly unconstitutional, and as he had no confidence whatever in the present advisers of the Crown. He was sorry that he had not a fuller attendance on his side of the house, for if he had, he would have opposed the second reading of it to-night.

Lord *Lowther* approved of the Bill. He believed there were in existence a vast variety of abuses in the management of the Post-office Department, which, when the proposed commission was appointed, would be speedily got rid of.

Bill read a second time.

HOUSE OF LORDS,

Friday, July 22, 1836.

MINUTES.] Bills. Read a second time:—Small Debts' (Scotland).

Petitions presented. By the Duke of RICHMOND, from various Places, for Edinburgh Poor-Rates' Bill.—By the Earl of BANDON, from Raphoe, against the Removal of Donegal Infirmary from the County Town.—By the Earl of ABERDEEN, from Lochmaben, that all the Rights of the Church of Scotland may be preserved.—By the Bishop of Exeter, from the Clergy of Wells, for the Protection of the Protestant Church (Ireland).—By the Duke of BUCCLEUGH, from various Places, against Universities' (Scotland) Bill.

GRAND JURIES (IRELAND.)] The Earl of *Caledon* presented a petition from the Grand Jury of the county of Tyrone, praying their Lordships to postpone to a future period the Bill for amending the system of Grand Juries in Ireland. It was impossible that the measure could, at this period of the session, be properly considered. The Bill had been introduced into the House of Commons on the 28th of May, and had been brought up to their Lordships' House on the 20th of July. It contained 171 clauses, and it was preposterous to call on their Lordships to pass it at this late period of the session.

Viscount *Duncannon* said, he thought the noble Earl would admit, that the grand jury laws ought to be amended.

The Marquess of *Westmeath* had no doubt that the noble Lord who introduced the Bill in the other House had done so under the conviction of his own sense of duty, as well as from being pressed on the subject by different parties. He (the Marquess of Westmeath), however, thought that the old grand jury system, as it at present stood, which it was the object of this Bill to amend, was essentially a bad one. What he would recommend was, that the funds to be devoted to public works should be placed under the superintendence of a scientific Board of Works. He wished that the present grand jury system should be considered, not with reference to its amendment, but with a view to its total abolition.

Petition laid on the table.

SOUTH DURHAM RAILWAY.] Lord *Teynham* wished to take that opportunity of noticing a statement which had appeared in the *Morning Post* of this day, in which it was asserted, that he was the author of certain paragraphs that had appeared in the *Globe* newspaper, imputing unfair motives to a noble Marquess, with reference to the proceedings respecting the South Durham Railway Bill. Now, he felt it to be his duty positively to contradict this statement. He had no connexion or communication with newspapers; and, with respect to the *Globe*, he was not in the habit even of seeing it.

NATIONAL SYSTEM OF EDUCATION (IRELAND.)] The Bishop of *Exeter* said, that a paper had recently been laid on their Lordships' table (he alluded to the third Report of the Commissioners of national education in Ireland), which was of so important a nature, that he trusted he should be excused in thus adverting to it. Having looked at that Report, he begged leave to state, that nothing should prevent him from renewing the motion which he had made this session in the early part of next session, for an inquiry into the operation of the national system of education which had been introduced into Ireland. No member of the Education Commission in Ireland—no friend of any member of that commission—could, he conceived, object to such an inquiry. He hoped, therefore, for the support of that House, when, early in the next session (and he pledged himself that he would bring the subject forward at the earliest period of the session), he should move for an inquiry into the operation of the system of national education adopted in Ireland.

Viscount *Melbourne* said, it would be almost impossible for individuals to give a prompt explanation upon points connected with this subject, unless they were apprised, in the first instance, of the nature of the charges that were to be brought forward. The right rev. Prelate might bring forward as he had done on a former occasion, a number of minute facts, with reference to which the parties criminated might not at the moment possess any information. It would therefore be extremely convenient, and certainly more satisfactory to those who were immediately connected with the motion of which notice had been given, if the right rev. Prelate would, in the first instance, furnish a list of those facts on which he intended to found his motion, in order that the parties might know what charges they had to meet, and also that their Lordships might be enabled to discuss the question in a more satisfactory manner.

The Bishop of *Exeter* felt the full force of what had fallen from the noble Viscount. He wished, however, to observe, that he had already put the House in possession of the general view of the case which he intended to present. He was quite ready to state, that the main points of the case which he meant to adduce in moving for a Committee were those which he had formerly noticed. He should not, however, consider himself prevented hereafter from going further, if in the course of investigation new cases presented themselves to his observation, as would very probably be the case. It was not unlikely, that between the present hour and that at which he meant to address their Lordships on the subject hereafter, new facts and new cases might be elicited; but he certainly would give the Commissioners a full and fair opportunity for the investigation of every case which he should feel it to be his duty to bring forward. He would only ask, as so much had been said on both sides of the question, that the noble Viscount and his Majesty's Government would concur with him in calling for a full and fair investigation of the subject.

The Duke of *Wellington* could not agree to the doctrine laid down by the noble Viscount with reference to the notice given by the right rev. Prelate of his intention to renew a certain proceeding in their Lordships' House. When a noble Lord made a motion for inquiry on any particular subject, he did so on his own credit, and stated those facts which he deemed proper in support of his case. Assuredly it was not usual—assuredly it was not in accordance with the practice of Parliament—for individuals to come forward, in the first instance, with written statements detailing the facts on which any specific motion was to be founded. Such a proposition was quite of a novel nature, and he hoped that it would not be adopted.

Viscount *Melbourne* said, he did not wish to introduce any new rules, or to fetter the discretion of any noble Lord as to the course which he might think it proper to adopt in making a motion for inquiry. What he had stated was, that in this particular case, where a charge was to be made, founded on small and minute facts—such as particular proceedings in a school, or writing copies permitted in a school—it would be convenient that some notice should be given of those facts. Under these circumstances, he had put it to the candour of the right rev. Prelate whether, in a case of this nature, it would not conduce to a full and fair inquiry on the subject if the facts were stated before the motion for inquiry was made. Otherwise it was clear, that they might be led to proceed on mere matter of assertion; and it ought to be observed, that to sanction an inquiry into the conduct of a number of individuals, without due information, was of itself, so far as those individuals were concerned, a matter of no light importance.

Lord *Plunkett* did not think, that the course taken by the right rev. Prelate was the most prudent or discreet. The right rev. Prelate had taken the same course before, but finding that he was not borne out in his statements, he had abandoned his motion. A charge, it appeared, was intended to be brought against a public body—against persons who were performing an arduous duty without reward or compensation. This charge was to be introduced without letting the parties know the facts on which it was founded. Now, he conceived that it would be much better, that it would be more consistent with Christian charity, if the right rev. Prelate, before he made his charge (a very grave charge, though it rested on minute cases), would give the accused parties an opportunity of knowing exactly what his facts and cases were, in order that they might be prepared to meet them. On some of the points formerly brought forward the right rev. Prelate might have procured more correct information than he appeared to possess, if he had applied to the Protestant Archbishop of Dublin; or, if he did not wish to apply to him, he might have consulted the Roman Catholic Archbishop of Dublin. He conceived that it was only air to acquaint the Commissioners with he facts which it was intended to allege, nstead of making charges, some of them on nonymous authority, which it was imposible for the accused parties to refute at the moment. He had no doubt that the right ev. Prelate would fail, as he had formerly lone, in making out any case.

The Marquess of *Westmeath*: Whom loes the noble and learned Lord designate s the Roman Catholic Archbishop of Dubin?

Lord *Plunkett* would have been more orrect perhaps if he had called the individual the titular Archbishop of Dublin.

The Marquess of *Westmeath*: The noble and learned Lord began by speaking of the Protestant Archbishop of Dublin, and then he alluded to the Roman Catholic Archbishop of Dublin. Now, in my opinion, there is but one Archbishop of Dublin.

The Bishop of *Exeter* complained, that the noble and learned Lord had misrepresented him, he was sure unintentionally. He could assure the noble and learned Lord, that his confidence in the truth of the statements which he had formerly made was not at all diminished, and he had never said anything to justify a contrary inference. He said now, as he had said before, that he felt it to be his duty to the Commissioners, to the Church of Ireland, and to the people of Ireland, to call for this inquiry. The noble and learned Lord had made use of very strong expressions, and had charged him with making charges which could not be borne out by facts. Now, he would ask the noble and learned Lord what right he had to make such an accusation? He would further ask the noble and learned Lord, the first Equity Judge in Ireland, whether it was consistent with justice or equity, when a solemn inquiry was called for—an inquiry which he hoped would be granted—to anticipate the result of that inquiry by such an assertion as he had been pleased to make? Such a proceeding, to say the least of it, was totally unusual.

Lord *Plunkett* did not wish to prevent the inquiry which the right rev. Prelate was so anxious to institute. But he must be allowed to say, that the right rev. Prelate himself, when he formerly introduced the question, was so conscious that he could not make out a case for inquiry, that, in the very outset, he declared that he did not mean to take the sense of the House on the subject. The right rev. Prelate had come forward with charges which he would not press on the House, and yet he now stated, that he would again introduce his motion for inquiry.

The Earl of *Mansfield* begged leave to protest against the inference drawn by the noble and learned Lord from what had occurred on a former occasion. The noble and learned Lord said, that the right rev. Prelate having laid before the House what he conceived to be a proper ground for granting an inquiry, abandoned his motion, because he felt that it would not be supported. Now, he (the Earl of Mansfield) would assert, that several noble Lords expressed their regret at the time that the right rev. Prelate did not proceed. Nay, one noble Earl, not now present, was going to do that which would have effectually manifested his opinion, though the course would have been somewhat irregular. That noble Earl was anxious to carry out to the full extent, the motion which the right rev. Prelate had abandoned. In obedience to the advice of others, the right rev. Prelate had withdrawn his motion; but this he would state most positively, that in the opinion of many noble Lords, he would say of a majority of that House, the right rev. Prelate ought not to have withdrawn it He expressed regret at the time, and other noble Lords had expressed regret since, that the question did not go to a division.

Lord *Hatherton* said, he knew that any noble Lord might introduce a motion for inquiry without communicating with the parties to whom it related; but, at the same time, he was of opinion with the noble Viscount, that in a case like this, the convenience of the individual implicated, as well as the convenience of the House, would be best consulted if such information as might be deemed essentially necessary were produced before any proceeding took place. What would be said, if persons were to go about collecting a catalogue of abuses in the army, in the navy, or in the law, for the purpose of dragging the conduct of individuals before the House, without signifying to them the specific nature of the charges that were to be preferred against them? The noble Duke opposite who had been at the head of the army of this country, would not, he was convinced, encourage a practice of that description. He would ask of the right rev. Prelate how he would like such a principle to be adopted with reference to the Church? Looking to the different departments of Government, if charges were intended to be made against any one of them, he conceived that it would be most unjust not to inform the parties meant to be called to account, of the nature of the accusation, in order that they might be prepared to give, if possible, a satisfactory explanation; and precisely the same principle applied in this case.

The Bishop of *Exeter* said, he had already stated that his motion would be mainly based on the facts which he had already laid before the House.

Conversation ended.

COMMUTATION OF TITHES (ENGLAND).] The Marquess of *Lansdowne* moved the Order of the Day for the third reading of the Tithe Commutation Bill.

The Duke of *Richmond* proposed to substitute a form of affirmation instead of an oath in the 9th Clause of the Bill.

Motion negatived.

Several verbal amendments were made, and the Bill was read a third time and passed.

CHURCH AND TITHES (IRELAND.)] Viscount *Melbourne*, in moving the Order of the Day for the second reading of the Church of Ireland Bill, said, that notwithstanding the great interest which had prevailed, and which continued to prevail, on this subject, throughout the empire, and particularly in that part of the country to which the Bill related, notwithstanding the great consequences that might result from it, and the great consequences that had resulted heretofore from the agitation of this question, and notwithstanding the urgent necessity which existed for their Lordships coming to a settlement of this question, yet, he believed there were many circumstances which would go to relieve him on the present occasion from going into any very lengthened arguments upon the subject. In the first place, this was the third Bill which had been presented to their Lordships for the purpose of effecting that desirable object, the settlement of this question. It had been been fully discussed in that House, as well as in the other House of Parliament; it had afforded topics for much discussion and repeated debate out of doors, as well as in both Houses of Parliament; he might therefore be excused for not intruding very long on their Lordships' patience on the present occasion. With respect to the greater part, at least with respect to the general principle of the Bill, there was in fact no great difference of opinion between that House and the other House of Parliament; nor, indeed, between the present and the former Government, for that general principle had been admitted by both Governments, and sanctioned by the votes of both Houses; and therefore he did not think it necessary to delay their Lordships by going into any very general discussion upon that subject. He would particularly avoid any attempt to stir up those matters which had produced the warmest discussion and debate in that House on all occasions. He should confine himself, as far as he could, to a statement of the general features of the Bill, without entering into its details, and he should do that the more readily, because on a former occasion he had adopted the rule of saying nothing upon that part of the subject which was likely to rekindle a lengthened debate. The object of the Bill was fourfold—the first object was, to establish a rent-charge payable by the landlord in lieu of tithes payable now by the occupier of the land; and it was unnecessary for him to state his reasons for that alteration. The second great object of the Bill was a more equal distribution of the benefices of Ireland. The third object was the regulation for the future of the duties and incomes of those incumbencies. The fourth object was the payment of any residue that might remain, after all those objects had been attended to, into the consolidated fund, in order to meet a charge of 50,000*l.* for the moral and religious education of the people of Ireland. In the first clause it was stated, that the right of all persons in and to all tithes or compositions for tithes at any time hereafter to accrue due in Ireland shall wholly cease and determine. The second clause related to those persons who had received relief under the Act of the 3rd and 4th of William 4th c. 100; it provided, that all sums payable by instalments under that Act should be remitted, and that any money heretofore paid thereunder should be refunded. The Bill then proceeded to charge all land in lieu of tithes with a permanent rent-charge of 70*l.* for every 100*l.* to be paid to each tithe-owner, whether clergyman or layman. He was perfectly aware that that was a larger defalcation from the income of the clergy than was proposed on a former occasion. It was not necessary for him to go through the details and provisions of former Bills, whether those of the present Government, or those intended to be introduced by another Government; but the reduction proposed in this Bill was undoubtedly a larger defalcation from the income of the clergy than it was formerly proposed to make. He could only say with respect to that point that it must be evident to their Lordships that the longer the settlement of this question was protracted, the longer the present state of things in Ireland was allowed to exist, the longer disturbance and resistance to the law were continued, the more difficult would it be to arrange matters, and the more obstinate would conflicting interests become, because they would be more accustomed to that state of things which already existed. Their Lordships must be well aware, that it would be very unwise to prolong that disturbance and that resistance to which he alluded, or to encourage the feelings and dispositions in which they originated, by delaying the settlement of this question, because there were persons enough who found it advantageous, and who were willing enough to have that state of things rendered permanent. If their Lordships would only consider the great object of the Bill now before them—namely, the final adjustment of this question—he thought they would scarcely think it worth while to stop and consider whether they should agree upon 2½ per cent. or 3 per cent. The settlement of the question was worth some sacrifice on all sides, and he trusted their Lordships would not lose the present opportunity of effecting the termination of that state of things in Ireland, the continuance of which, whatever opinions they might hold with respect to the commencement all must lament and deplore. The rent-charges were to be collected by the Commissioners of Woods and Forests for the first seven years, and after that as Parliament might determine. The great objection which was taken to that arrangement last year by a noble Duke, and a noble Baron, he believed, opposite, was, that it would have the effect of making the clergy dependant or stipendiary, and of placing them entirely under the control of the state. He thought the advantage which the clergy would derive from the powers of the Crown being employed in the collection of their revenues, and the certainty of payment they would enjoy, would be a very good compensation for any slight dereliction of principle in this respect. Many noble Lords, he believed had no practical experience on this subject: but he could assure them that there was no comparison between an income paid by the State and that which depended on other sources, payment being a contingency and the amount an uncertainty. If their Lordships intended to preserve the interests of the clergy, they would do so, at least in one important respect, by giving them this security for their incomes. With regard to the payment of the rent-charges, it was to be made in precisely the same manner as it was provided for in the former Bills. Then came certain Clauses to permit the re-opening of compositions for tithes: and to these clauses very great objection had been already taken in that House. At the same time, it had been admitted by noble Lords connected with that part of the country to which the Bill related, and by a noble Lord who seemed to take a more calm and deliberate view of the subject than some others, that the provisions of Lord Stanley's Act in regard to compositions had in effect been got up in too hurried a manner, and with too little consideration for the interests of all the parties concerned, so that in some cases great injustice resulted. Some of those instances were so glaring, that he at once perceived there was an absolute necessity for some provisions of the kind contained in the present Bill to guard against any concealment or misrepresentation of the facts, which would vitiate the whole contract *ab initio*. The Clauses in the present Bill would completely remedy the defects of the original Tithe Composition Bill in this respect. After referring to some observations which had been made by a noble Lord respecting appeals against the decisions of the Commissioners, which the noble Viscount said he did not consider either very forcible or applicable to the present subject, he proceeded to remark that the next great object of the Bill was the re-distribution of the benefices in Ireland, with reference to the duties belonging to them. On that it was not necessary for him then to make any observations, for when he looked at the debates of the House of Commons, he found that when the second reading of that Bill was moved in that House, an amendment was proposed, for "leave to bring in a Bill for the conversion of tithe-composition into rent-charges, and for the redemption thereof, and for the better distribution of ecclesiastical revenues in Ireland," by a noble Friend of his, whose secession from the Government to which he belonged he had never ceased to regret, and whose authority on the present occasion, he thought would have great weight with their Lordships. In addition to that, there were numerous petitions from the clergy of Ireland, expressing their anxiety with reference to the duties which they had to perform, and for the better distribution of the revenues of the Church, and for all the objects described in that amendment. These things would, he was sure, relieve him from the necessity of stating any further observations on this part of the measure. The authority of his noble Friend in the other House might be considered invincible, therefore he would not enter into particulars, unless any noble Lord should adopt a course to compel him to do so. But it was now proposed that his Majesty under the sign manual should appoint a Committee of Privy Council, to be styled "The Ecclesiastical Committee of the Privy Council of Ireland," and to consist of members of the Established Church, the Archbishops of Ireland to be members of the council *ex officio*. To this Board the Ecclesiastical Commissioners would have to report whenever benefices might fall vacant, the state of the population, the number of persons of each religion in it, and the various circumstances connected with the spiritual condition and welfare of the people; that Report having been duly made, the Lord-Lieutenant in Council would then have to make such orders thereupon as to them might seem good. The third object of the Bill was the regulation of the incomes of the future incumbents. It was proposed, that where the number of members of the Established Church was less than fifty, the annual income to be assigned to the incumbent should not exceed 100*l.*; where the number of members exceeds fifty and does not exceed 500, the income to be not more than 200*l.*, and not less than 150*l.* Where the number of parishioners exceeds 500 but does not exceed 1,000, the income to be not more than 300*l.* nor less than 250*l.* Where the number exceeds 1,000 but is not more than 3,000, the income to be not less than 350*l.* nor more than 400*l.* Where the number amounts to 3,000 or upwards, the income to be not less than 450*l.* nor more than 500*l.* In no case was it proposed that an income of more than 500*l.* should be allowed; that was to be the *maximum* of the income of the rural benefices in Ireland; those of the cities and towns to be left in the same situation they were at present. That amount of income would give to the clergy of Ireland a considerably larger average income than was at present enjoyed by the clergy of England, where the religion of the majority was the Protestant religion. Where the Protestants of any benefice in Ireland exceeded 1,000, it was proposed to appoint one or more curates, on the recommendation of the Ecclesiastical Commissioners, with a salary of 100*l.* a year. It would be necessary to consider what number of benefices was to be provided for. The number at present, he understood to be 1,385, but of these forty-one were without a single Protestant, and no less than 124 having only from one at the lowest to twenty-five at the highest. It was therefore proposed by the operation of the Ecclesiastical Commission that these benefices should be added to others, so as to reduce the whole number to 1,250, which was supposed to be the number of benefices for which it would be necessary permanently to provide. Supposing then, it was necessary to provide for 1,250 benefices, the next thing to be considered was, what was the available revenue of the clergy, and the average amount of the tithe compositions. It was estimated that the sum required would be 368,350*l.* It was proposed also to give to every benefice thirty acres of glebe land. The glebe lands at present were very unequally distributed, and it was proposed, that in future no benefice should have more than thirty acres. The residue would be sold or exchanged, whichever plan would be deemed the most profitable. The total available amount to meet the future expenses of the clergy was calculated at 461,900*l.* But there were some other benefices to be provided with curates, which would occasion an expense of 18,075*l.* more, which being added to the 368,350*l.* would make the whole demand 386,425*l.*, which deducted from the gross revenues, estimated at 461,900*l.*, would leave 75,475*l.* There would then be a surplus to dispose of. All they wanted was a surplus, and there it was. [Lord *Lyndhurst*: How much do you say it is?] 75,475*l.* Out of that it was proposed that there should be paid into the Consolidated Fund, for the purposes of the moral and religious education of the people of Ireland, the sum of 50,000*l.* As to the objections which had been urged against the power of Parliament to interfere, he thought they were absurd. The example of this country, and of all European nations, warranted such interference. Let them look east, west, north, or south, to any country, whatever might be the form of government, whatever might be the religion of the country, whether the reformed religion, or that of Popery was adopted, whether the government was despotic or republican, whether the creed was Calvinistic, Lutheran, or Zuinglian, in no country would it be found tolerable or possible to leave the revenues of the Church as they had been accumulated by the piety or superstition of past ages; therefore, to say that it was not in the power of Parliament or predominant party of the State to do this, was in his opinion contrary to all fact, reason, experience, and common sense itself; but, at the same time, he acknowledged this was a subject of great importance and great difficulty, and one which ought not to be decided hastily—one which ought not to be approached except under difficult circumstances and in extreme cases, and he would assert that Ireland was an extreme case. With respect to the condition of the population, and the state of religion in that country, it was altogether an extreme case, and required the most serious consideration to enable them to deal with the question as it deserved. He would not go into the present state of Ireland, with regard to the violence of religious parties there. None of their Lordships were unacquainted with that subject; but he would suggest, that the only way in which they could deal with that difficulty would be to reduce the establishment of the Church of Ireland within bounds commensurate to the duties she was called upon to perform, and the congregations she had to serve; within the bounds of reason, so as to render a church establishment there defensible by argument; and the collection and application of her revenues more advantageous to the people. He believed he had stated the general provisions of the Bill, and he should now move that it be read a second time.

The Duke of *Wellington* said, that although he might very safely urge against the present motion, that notwithstanding the difficulties and privations under which the Anglo-Irish Church had so long laboured, that Church was never in so good a position or situation as it now was, owing to the protection which had been afforded to the clergy by enforcing the law in that country; although, he repeated, he might with truth say, that this was now the case, yet he should not deem it necessary to oppose the second reading of the Bill before their Lordships, or throw any difficulties in the way to obstruct its progress to the Committee. This was his present conviction upon the subject; and having observed the moderate tone in which the noble Viscount had proposed the second reading, he should not trouble their Lordships with any extended speech on this occasion, but would follow the example of the noble Viscount, and even confine himself to two observations on the statements of the noble Viscount. He hoped their Lordships would consider the present Bill in the Committee, with the view to introduce such amendments as would reconcile it to, and render it consistent with, the interests as well as the means of the Church of Ireland. It had for its object the establishment of a fixed rent-charge in lieu of the present tithe payments; but he could not agree with the noble Viscount in the amount of the future revenues, as stated by him. He would not enter into the details of this question, but simply state his sentiments. With respect to the re-opening of the tithe compositions, he agreed with the noble Viscount in thinking that some opportunity ought to be afforded of reconsidering them, or, at least, those compositions which were entered into under Lord Stanley's Act; but he saw no reason why former compositions should be suffered to be re-opened. He admitted, however, so much of the principle of the Bill. He was likewise disposed to agree with the noble Viscount in the necessity for adopting some measure to provide for the reconsideration of the distribution of the revenues of the Irish Church, with a view to apportion a due income to those persons who had the greatest proportion of duty to perform, and he was the more disposed to do this, because of the wishes of the members of that Church as for the general benefit of its clergy. The consideration and settlement of this question would not, he believed, if justice were done to the Church and to the people of Ireland, leave any such magnificent surplus as the noble Viscount had with such apparent ease and with so much triumph made out. He only hoped that such might prove to be the case when the details came before them, and the subject could be considered more accurately. But under all circumstances, he feared the noble Viscount would find his surplus to fail him. At all events, he was sure that, according to the views he entertained of the proper mode of applying the Church revenues, there would be no such surplus. He would, however, go no further into the question; he was disposed to agree to the second reading of the measure, and that for the present was all he felt it necessary to say.

The Bill read a second time, and the Committee was fixed for Monday next.

UNIVERSITIES OF SCOTLAND.] The House resolved itself into a Committee on the Universities of Scotland Bill.

The Marquess of *Bute* moved an amendment to the 1st Clause, which, he said, he had copied *verbatim* from the Scotch Act, to the effect, that instead of having several boards, as provided by the clause, there should be but one general board.

Viscount *Melbourne* objected to it, on the ground that it would throw too onerous a duty on the members of that board, while, by appointing several boards for the different Universities, they would not only be dividing the amount of duty to be performed, but would be infusing into them persons from the neighbourhood of the Universities, whose local knowledge might enable the board to discharge its duty better than it otherwise would.

The Duke of *Buccleugh* said, that the very reason why he objected to a variety of boards was, because persons locally interested might be made members of them.

Amendment postponed.

The clause agreed to.

On Clause 10,

The Earl of *Haddington* said, that this clause enabled the boards to make regulations regarding the abolition of professorships within the Universities to which they might be appointed, or to the institution of new professorships therein. That was a power he thought too extensive, and he would propose to limit it, by obliging the Commissioners to report to his Majesty any intended change in that respect.

Viscount *Melbourne* had no objection to the amendment.

Clause, as amended, agreed to.

The Earl of *Haddington* proposed to follow up his former amendment by the introduction of a new clause, to the effect, that when any new regulation was about to be made by the Commissioners in the *curriculum* or course of theological study, they should communicate at least the substance of the proposed change to the moderator of the Church of Scotland for the time being, and they should transmit, together with their own report, any objections or suggestions that might be received from him to one of his Majesty's principal Secretaries of State, in order that the same might be laid before his Majesty in Council, for whom it should be lawful, upon considering said Report, &c., to make such order as might seem fit, which order should have full force and effect until altered or abrogated by his Majesty in Council, or a future Act of Parliament.

Viscount *Melbourne* had great objections to such a clause, because it would give to the Church, and to the authorities of the Church of Scotland, new powers over the Universities, which they never were possessed of, and which were totally at variance with the principle laid down in their own Report, which stated, that the Universities were not of an ecclesiastical character, and were not connected with the Church any more than with the other professions. Notwithstanding the high respect which he entertained for the Church of Scotland, he should oppose this clause.

The Earl of *Haddington* said, that if any person had heard the noble Viscount without having heard what he (the Earl of Haddington) really proposed, that person must have supposed that he was going to give to the Church of Scotland an unlimited interference in the management of the Universities—in short, to identify them with the Scotch Church; whereas, his only object was to have the opinions of the clerical authorities on any change proposed in the course of theological study forwarded to his Majesty in Council, &c., who should decide, upon oath, if such change ought to be carried into effect.

Lord *Holland* thought it would be introducing a new principle, which was unnecessary, and giving to the Church of Scotland an authority which it never had before.

The Earl of *Rosslyn* said, it did not confer a power to interfere with the Universities at all—but merely provided, that in case any alterations were to be made in the general course of study in theology and divinity, the church might get notice to that effect, and not be taken by surprise.

The Earl of *Haddington* observed, that the Church of Scotland required candidates for holy orders to have gone through a certain specific course of study in one of the Universities, and it was but right that the clerical authorities should be made acquainted with any addition or substraction the commissioners might think fit to make in that course. What sort of a church would it be, if it had not the power to see in what way candidates for holy orders had been educated?

Lord *Holland* said, that what the church at present required was, that candidates should have studied in one of the four Universities, but the course of study was not settled by the church, and might be altered without having its consent. This clause would be placing the Church and the Universities in a relative position which they never before had assumed and never should.

The Archbishop of *Canterbury* observed, that amongst the different professions in the Universities, the church undoubtedly stood first. These Universities were for the promotion of religious education and sound doctrine and if they were to pursue a course of education which was contrary to the doctrines of the church, the consequence would be, that the church would not have a supply of ministers from these Universities. He should look upon it not only as a grievous injury to the Church of Scotland, but a grievous insult and injury both, to the people of that country, to exclude persons intended for the Church from the Universities.

The *Lord Chancellor* partly agreed in what had fallen from the most rev. Prelate. The Bishops of England were in the habit of requiring that candidates should have taken a degree at one of the Universities. So it was in Scotland, but in neither country was it necessary for the church to have any communication with the Universities regarding the course of study to be pursued. If, then, these Universities should alter the present course, which it was competent for them to do, and that the Scotch Church did not like that alteration, they had it in their power to refuse candidates whose study was confined to that altered course. If they were to have the power of objecting to any alteration in the course of study, it was quite clear it would end in the veto of the party to be consulted.

The Committee divided, on the amendment; Content 16; not Content 8;—Majority 8. Amendment agreed to.

Several other amendments were made, and the House resumed.

HOUSE OF COMMONS,

Saturday, July 23, 1836.

Minutes.] Bills. Read a second time:—Spirits(xcise); Shire Halls.—Read a first time:—Sunk Island Road; Foreign Lotteries; Assessed Taxes.

Petitions presented. By Sir George Grey, from Devonport, against Lords' Amendments to Irish Municipal Corporations' (Ireland) Bill.—By Mr. Horace Twiss, from the Medical Profession of Bridport, for Medical Witnesses' Bill.

HOUSE OF LORDS,

Monday, July 25, 1836.

Minutes.] Bills. Read a third time:—Loan Societies (Ireland).

Petitions presented. By the Earl of Stradbroke, from Tipperary, for that part of Grand Juries (Ireland) Bill that relates to the Division of Tipperary into Baronies.—By Viscount Melbourne, from various Places, for the Abolition of Tithes (Ireland).

Railways.] The Marquess of *Lansdowne* rose, in pursuance of notice, to move for a Committee relative to standing orders on Railways. Some anxiety had been expressed relative to the adoption of a general rule as regarded Railways that might come under the consideration of the Legislature hereafter; and a Committee of the other House had been for some time sitting, and would shortly report on this subject. It was, he conceived, advisable that their Lordships should take a similar course. He should therefore move—"That a Committee be appointed to consider how far it would be expedient to make alterations in the standing order relative to communication by Railroads, previous to the next sessions of Parliament."

The Duke of *Wellington* inquired whether it was intended to examine witnesses before the Committee?

The Marquess of *Lansdowne* said, it was not proposed to examine evidence.

Motion agreed to, Committee appointed.

Tithes and Church, [Ireland]. On the motion of Viscount Melbourne, the House resolved itself into a Committee on the Tithes and Church (Ireland) Bill.

The Noble Viscount stated, that His Majesty had signified his assent to those parts of the Bill by which any interest appertaining to him might be affected.

The preamble was postponed, first and second clauses agreed to.

On the third clause, which provides "that all lands subject to the payment of tithe compositions shall be charged with an annual sum by way of rent-charge, equal to seven-tenths of such compositions, to be payable by the party having the first estate of inheritance in such lands," being read—

Lord *Lyndhurst* rose to move, as an amendment, that "seven-tenths" be struck out, for the purpose of substituting "three-fourths." It was only fair, with reference to the landlords and to the incumbents of parishes in Ireland, that some reduction should, under existing circumstances, be made, but not to the extent proposed by the Bill. As the landlords took upon themselves the liability, in the first instance, they ought to receive some benefit for that liability, and a distinct understanding should be come to on the subject. Considering that liability, it had been proposed formerly that 25 per cent., or one-fourth of their incomes, should be given up by the incumbents; to that they had consented, and the landlords, on the other side, also expressed their assent to the arrangement. The Bill framed by Sir H. Hardinge and the Bill which was introduced into that House in the last Session of Parliament, both recognized 25 per cent. as the amount of reduction, and he could see no reason whatever for extending it from 25 to 30 per cent. The noble Viscount, in moving the second reading of the Bill, had thought it necessary to give some reason for the alteration from 25 to 30 per cent., which was now proposed. The reason which the noble Viscount alleged was this—namely, that the longer the arrangement of this question was postponed, the greater would be the difficulty of collecting tithe. Therefore it was, that the noble Viscount wished to extend the reduction from 25 per cent. to 30 per cent. This he conceived to be a most extraordinary argument, now that they were coming to a permanent arrangement—an arrangement that was to endure for all time—on this subject. To be told, at such a moment, and under such circumstances, that they were to be guided by what had taken place at this or that particular period of time, did appear to him most extraordinary. But the noble Viscount's argument would apply rather to a reduction than to an increase of the amount per cent. to be taken off; for it was a matter of notoriety, which no man disputed, that a greater quantity of tithes was collected in this year than in the last. The vigour of the law had done that which the supineness or the coldness of the Government never could have effected. Having thus briefly, and he hoped clearly expressed his view, he should, in justice to the tithe-owner as well as to the tithe-payer, call on the House to fix the reduction at 25 instead of 30 per cent. The noble and learned Lord concluded by moving, that 3-4ths be substituted for 7-10ths.

Lord *Hatherton* said, he had heard that it was the intention of the noble and learned Lord to move an amendment of this nature, which appeared to him to be inconsistent with the measure of last year, and with the Bill of 1834. He called on the House to look to the course that had been adopted with reference to this subject. Four measures had at different times been submitted to Parliament with reference to it. Sir Henry Hardinge had introduced one Bill to the House of Commons, but nothing had been done with it. In 1834 he (Lord Hatherton) introduced a measure to the House of Commons with reference to the Irish Church. By that Bill he proposed a rent-charge or tax on the land of 77½ per cent., in lieu of tithes. That amount of income was secured to the Clergy by his measure, and an assurance was given to them on the faith of Parliament, that it would be paid to the day. As their Lordships would perfectly recollect, that proposition was for a payment to the Clergy of 77½ per cent without any appropriation clause, and that was rejected. He would ask any of the opposers of the present Bill if they thought that the clergy were likely to obtain any better terms? When the next Session commenced the reins of Government were in the hands of the party whose opinions were represented by the noble Lords opposite, and the right hon. Baronet who was at the head of the Ministry in the other House brought forward a measure for commuting the tithes of the Irish Church into a rent charge, the amount of deduction proposed in which was 25 per cent., the rent-charge proposed to be levied in lieu of them being only 75 per cent.; and on the retirement of that Government from office the same proposition was taken up by the succeeding Ministry, and the clause by which 25 per cent. was permanently deducted from the tithes was agreed to by their Lordships.—He begged distinctly to repeat that the clause, as he had stated, was agreed to, for he could call to mind no motion against it, nor any division upon it, during the progress of the Bill in Committee, and he certainly should expect some explanation to be given of the reasons by which noble Lords had been actuated then, as compared with those by which they were now impelled to support the present amendment. He must, however, declare that he did not feel any surprise on finding that the House of Commons had determined upon making an alteration in favour of the landowners to the extent now proposed by the measure, He recollected very well, when the Bill was originally brought forward, the strong feeling of dissent and dislike which was shown by the majority, if not all, of the Irish Members and landlords to being fixed with a rent-charge in lieu of tithes, even with so large a deduction in their favour as was at first proposed; nor was he surprised that such objections should be entertained by these parties. The present measure was most certainly not so favourable to the landlords as the original measure, and yet they had consented to make the sacrifice, rather than prolong the present condition of things. With respect to the clergy themselves, their incomes, on an average, even after they had been subjected to the reduction at present proposed, would be quite equal to what they now were, and they would have the additional advantage of being punctually paid.

The Earl of *Ripon* said, that the fluctuations which the amount proposed to be deducted in settling the rent-charge were varied and remarkable; the Bill which was brought forward by Earl Grey's Government proposed that 22½ per cent. should be the amount sacrificed by the tithe-owners, in return for the benefit conferred upon them; the next proposal increased that deduction by 2½ per cent.; and the Bill introduced by the right hon. Baronet in the beginning of last Session confirmed the deduction at 25 per cent. Then came the Bill of the noble Viscount opposite, in which the amount was increased to 30 per cent., the sum now proposed to be permanently deducted from the clergyman's revenues. He considered that 25 per cent. was the just medium between 22½ and 30 per cent., and that was the sum he would agree to as the maximum of reduction. But it seemed that their Lordships were called on to agree to 30 per cent. being deducted, not because it was just and reasonable to do so, or because the clergy could afford it, but because it was called for by the pressure from without; or, forsooth, because the popular party (whose influence, let him observe, had been for the first time that evening avowed as a moving cause in their Lordships' House) desired that such should be the amount sacrificed by the tithe-owner. Now such was his feeling upon this sort of argument, that if he wanted a reason by which to be guided in his determination not to vote for a reduction of 30 per cent., but to prefer 25 per cent., this of the pressure from without would be alone sufficient to induce him to do so.

Viscount *Beresford* was of opinion the liberal landed proprietors in Ireland would be quite satisfied with a reduction of twenty-five per cent upon the tithes, and that they would readily agree to the rent-charge of seventy-five per cent.

Lord *Wharncliffe* remarked, that the great objection to the Bill for the payment of seventy-seven and a-half per cent was not that that sum was to be paid by the landlords, but by the nation generally. Parliament and the country had had three years to reflect upon that, and up to the present moment nothing effectual had been done towards advancing its enactment into a law. That objection against the payment being made out of the consolidated fund appeared to him valid, for if such a payment had ever been consented to, it would have made the clergy dependent upon the Government for the time being, and whatever amount were fixed on as payable out of the consolidated fund would have been treated as a surplus available for any purpose to which the dominant party might think proper to apply it. He and those with whom he was in the habit of acting had formerly, did now, and would ever continue, to object to the clergy being considered as the stipendiaries of Government.

Lord *Fitzgerald and Vesey* said, that he had objected to the Bill of the noble Baron opposite, not because he did not admit the principle, but because its details were impolitic and unjust. The principle he had admitted, and would again agree to, as he had shown by giving his support to the measure which was brought forward by the noble Lord (Lord Stanley), who represented for the time the Government of Earl Grey in the other House of Legislature.

The Marquess of *Clanricarde* had understood the noble Lord opposite (the Earl of Ripon) to say, the mere circumstance of a measure being acceptable to the popular party in Ireland would form with him a sufficient reason for voting against it. That appeared to him most extraordinary. Who were the parties interested in such a result as it was the object of the Bill to accomplish? None other than the landlords and the people of Ireland, and their opinion was, therefore, of the utmost importance;

most wisely, then, did his noble Friend (Lord Hatherton) in preparing his measure on the subject of tithes, refer to them, and modify the provisions of that measure by what was known to be their wishes and their necessities. Surely it would not be maintained that the institutions of this country, civil or ecclesiastical, existed for any other purpose than the public good, the benefit and advantage of the people; and for what purpose did the Established Church in Ireland exist, unless for the benefit of the people? The popular sentiment, therefore, in Ireland was a matter of the very utmost importance, and the character of that sentiment was anything but a reason against the measure before their Lordships. He should merely observe further, that the House could not have forgotten that ever since the year 1799, every law relating to tithes had pressed upon the landlord.

The Earl of *Ripon* observed, in explanation, that the Government of Lord Grey had proposed twenty-two and a-half per cent reduction for the clergy; that was the exact representation of the fact as given by him. The next Government proposed a reduction of thirty per cent. The difference between Lord Grey's Government and the present, as regarded this portion of the Bill, was exactly the difference that lay between twenty-two and a-half and thirty per cent. Now, he favoured the medium. He was for twenty-five per cent. He had certainly alluded to the pressure from without, and declared, that if he wanted a reason against the present measure, demands so made would have furnished him with that reason.

The Marquess of *Westmeath* said, that he differed entirely from the assumption of the noble Marquess opposite with respect to the Irish landowners. He would give an instance. In the parish where he resided, the land was as fertile and as fruitful as in any part of Ireland, and what was the amount of tithe paid? Only sixpence an acre. He thought it neither common honesty nor morality to reduce the incomes of persons placed, with respect to their property, under the circumstances of the clergy of Ireland. Although he undoubtedly thought the moral of the principle bad, yet he would agree to a moderate reduction. The noble Viscount had urged as an argument in favour of the Bill, the state of disturbance in Ireland. He would charge that state of disturbance upon the noble Viscount, and upon the declaration that tithes ought to be abolished. He thought it now rather too much for the noble Viscount, in consequence of a state of disturbance created by himself, to bring forward a measure to rob the clergy of their property.

Lord *Plunkett* was understood to say, that the noble Marquess opposite had made an accusation—for such he must consider it—against the Government, which was not substantially true. He had said, that the conduct of the Government was the cause of the ill consequences and disturbances that had so long prevailed upon the subject of tithes in Ireland, and that the phrase "extinction of tithes" had originated in one of the Members of that Government. Now he must beg to say, it was not true that this expression first proceeded from the present Government. On the contrary, the expression originated with the Government of which the noble Earl (Earl Ripon) opposite formed part; and, moreover, he must say, that as long as he could remember Ireland, he could also remember the determined disposition which the people had shown to get rid of the tithes. As to the phrase "extinction of tithes," he begged to say, that he was on the Committee of their Lordships' House to which the original Tithe Bill was submitted, and he very well recollected that some word sufficiently expressive was for some time sought for to convey the unanimous impression of the Committee with respect to the necessity for imposing a payment in lieu of tithes. At length a noble Earl, whom he did not then see in his place, suggested the word "extinction" as the only appropriate word that could be used, and it was at once forthwith unanimously assented to as proper.

The Earl of *Harrowby* believed he was in order when he took the liberty of asking the noble Lord opposite if he alluded to him?

Lord *Plunkett*: I beg the noble Earl's pardon—I did not see him; but it is to him I allude.

The Earl of *Harrowby*: Then I beg most distinctly to be understood on this point. The word extinction did not originate with me. I admit that I adopted it when it was once suggested as an appropriate phrase, but I most certainly did not suggest it. I have before often heard that its first use was attributed to me, but I must beg to say this is altogether incorrect.

Lord *Plunkett* begged pardon for having quite unintentionally misrepresented this point, but his impression was most decided, and would have so remained, but for the correction of the noble Earl, in the manner he had stated. However, the noble Earl, as Chairman of the Committee, most certainly was the person by whom the phrase was first sanctioned, and under whose authority it was first used, and, therefore, the imputation cast by the noble Marquess upon the Government under which it came into use was not fair nor sustainable. Let him, however, put it to their Lordships, whether every postponement of the Bill did not subject the clergy of the Church of Ireland to fresh dangers? There had been four variations in the measure since it was originally introduced, and every variation had been marked by some additional concession being demanded from the clergy. Let him call the attention of the House to the circumstance, that measures proposed for the benefit of the country had been deferred till the favourable period had been lost. Thus measures receiving the universal assent had been so long postponed that they were at last carried in a way which their original projectors could never have thought of. The question of Parliamentary Reform was, most strenuously opposed, and was not carried until after a delay which he hoped would not be the case with this Bill. If it were known that a Bill would ultimately pass, what folly and imbecility it was, vexatiously to oppose it. He would refer to the Roman Catholic question, when Mr. Fox, Lord Grenville, and Mr. Grey, those distinguished patriots, supported that Bill; and he would ask the House if that measure had been agreed to when they recommended it, would not the question have been settled much more satisfactorily to the country? But the Government was long opposed to that Bill, and now it had not produced the effects which were anticipated from it. The chaplet had been stripped from the brow of those patriots, and it had been put upon the brow of an individual—it had made him the favourite of a country, because his course had been identified with that of the people of Ireland. A noble Lord had made some observations respecting the services of popular persons. He (Lord Plunkett) would say, that any Government that refused to avail itself of the popular party in Ireland—that party which represented the feelings of the people—would deserve the character of being insane. Who were the persons interested in the question? The people of Ireland. And with respect to the Church of Ireland, that Church was established merely for the benefit of the people of Ireland. The case, in short, amounted to this: a measure of this kind was necessary to the safety of the country, and it was to be considered how it could be successfully carried, and he would say, that no measure could be successful unless it were supported by the feeling of the people of that country. Every year, he would repeat, made the question more difficult of settlement; and if this measure were not adopted, next year the House would be compelled to adopt a worse one. He should, therefore, support the clause.

The Duke of *Wellington* said, My Lords, I am desirous of calling the attention of the House to the question before it. The question is not upon Parliamentary Reform, nor is it upon Catholic Emancipation, nor is it upon the question whether the Catholic question was settled too late or too early. The question is simply, whether the composition for the tithes being paid by a rent-charge, that rent-charge is to be seven-tenths or three-fourths of the amount of composition. Now, my Lords, I beg you to recollect, that a very large proportion of the landowners in Ireland are now under the necessity of paying the whole amount of the composition—say, perhaps, 100 per cent. My Lords, I do not say that all are in this situation, but a very large proportion are so. Some, undoubtedly, have made bargains to collect the tithes for fifteen per cent; and those, therefore, of course, pay eighty-five per cent on the amount of composition. This Bill proposes a rent-charge of seven-tenths, and my noble and learned Friend behind me has proposed to your Lordships, instead of that amount, keeping in view the propositions which have been made to your Lordships on former occasions, that the amount of rent-charge should be three-fourths, or seventy-five per cent. Now, I ask your Lordships, is that, or is it not, a fair proposition, considering the relative situations of the two parties, what has been done up to the present moment, and that which has been in contemplation? The noble and learned Baron (Lord Plunkett) has urged that the proposition made on a former occasion, was, that the payment should be seventy-seven and a-half per cent; but he forgets that of that a great portion was to come out of the Consolidated Fund—and the Consolidated Fund was to be repaid in a manner which rendered it exceedingly doubtful whether that repayment ever would be made. I think that was a speculation which would have turned out a failure. But, my Lords, it is also urged that we agreed last year to a composition of seventy-two per cent. Now, my Lords, I beg to call to your recollection that in the Committee I made a motion upon that subject, which was not carried, that is to say, it was postponed. The noble Viscount subsequently thought proper to withdraw the Bill, and consequently I had no opportunity of renewing my motion. If the noble Baron recollects, that is what took place upon that occasion. As to the amount of rent-charge, my Lords, I cannot doubt that you will consider seventy-five per cent a fair compensation to the Church, and a fair amount also to the landowners, and I cannot think that you will pass the present clause. I thought it proper to say these few words simply for the purpose of calling your Lordships' attention back to the real question before the House, whether the rent-charge should amount to seven-tenths or three fourths of the composition.

Viscount *Melbourne* said, there could be no doubt that the question before the House had been correctly stated by the noble Duke. At the same time, considering the importance of the subject, and the interests which it involved, he thought their Lordships would hardly be inclined to consider the remarks of the noble Baron behind him inappositely or inappropriately introduced, or that his observations as to the conduct of noble Lords upon former measures could not be applied to the present occasion, or were not worthy of their Lordships' attentive consideration. The question was with respect to the amount of rent-charge. Now it was not an easy matter to produce any arguments to show why $22\frac{1}{2}$, or $25\frac{1}{2}$, or 30 was the proper sum. His noble Friend (the Earl of Ripon) said, that he would take $25\frac{1}{2}$. as the medium between $22\frac{1}{2}$ and 30. Now, if by medium his noble Friend meant middle, he thought he was somewhat incorrect in his calculation; for it appeared that the amount he took rather leaned to the latter of the two extremes. But this Bill came from the House of Commons with the assent of that House, and of the large proportion of the Irish representatives; it offered to their Lordships for adoption a full and fair settlement of this question; and he would appeal to that House whether it was worth while to disturb that settlement, which was so much to be desired, by an alteration, in itself somewhat doubtful as to its Parliamentary legality—and an alteration which would at the same time have a tendency to unsettle this measure? It was said this was done for the sake of the landlords of Ireland. They were in a situation of very considerable risk; but he would not now more particularly advert to that subject, which deserved well their Lordships' consideration, and was one of very great delicacy. Now it had been said, that the illiberal landlords were not those who avoided the payment of tithes, and that the liberal landlords only opposed the payment. They heard much about the willingness of the illiberal landlords to pay the tithes on this side of the water; but he apprehended that they were not quite so ready to pay their tithes when they got on the other side of the water—and he felt inclined to think that they would not be unwilling to have some reduction from the rent-charge. He (Lord Melbourne) had often told their Lordships that, with all their attachment to the Clergy, with all their devotion to the interests of the Church, and their zeal for the Bible, he did not believe that a single meeting had taken place in Ireland, at which the payment of tithes had been made the subject of resolutions. There was plenty of attachment to the Church, plenty of attachment to the Clergy, plenty of attachment to the Bible; but attachment to tithes had never been put forward at any of the numerous meetings in Ireland. But the noble and learned Lord who had made the present motion had said, that the clergy of Ireland were in a much better state at present than for many previous years, and that the energy and power of the law had not been suspended by the supineness and neglect of Government; it appeared to him to be a strange thing, to put in opposition the Government and the law. The Government was appointed under, and could not act separately from, the law. He apprehended, however, that there had been no progress made in the collection of tithes from the occupying tenant; and those compositions which had been effected were made under the measure for compulsory compositions. The only question now for their Lordships to determine was, whether for the sum of a mere five per cent. they would consent to disturb an arrangement assented to by the other House of Parliament—and one which, in all probability, would be satisfactory to the people of Ireland, as well as to the people of this country.

The Earl of *Winchilsea* would only trouble their Lordships with a few observations, in reference to what had fallen from the noble Viscount, as to the illiberal landlords of Ireland, and he would assure the House that he knew at least of one meeting —a meeting consisting of persons of the very highest respectability, and representing the whole property of the county—at which the only reason that the subject of tithes was not introduced into their resolutions was this—that it consisted of those who were the avowed and true friends of the Protestant Church, and there was but one feeling amongst the Protestant landlords throughout Ireland—a determination to render to the Clergy of their Church their first and undoubted rights. He challenged the noble Viscount to produce one single supporter of the Irish Church, that had refused to pay to the Clergy the full amount of what was justly due to them. He knew there were others, nominal Protestants, who cared not whether the Church were maintained in Ireland or not; they might have withheld their payments; but for the real sincere Protestant landlords, he could safely negative the observation of the noble Lord. The question before their Lordships was, whether five per cent. more was to be taken from the Clergy than had been taken last year. Now he had not heard one single argument in favour of that proposition. It had been admitted, that no body of men had ever been more liberal, more generous, in regard to claiming their just dues, than the Clergy of the Irish Church; and was this their return to those who had acted thus liberally, who had patiently endured persecution upon persecution—all of which he directly laid and charged at the foot of his Majesty's Government; for had they put the law into execution, such evils would have been repressed. Again, then, he begged to ask, upon what ground he could be called upon to take away from the clergy five per cent. more? Not one single argument had been advanced to justify that further deprivation. Such arguments only could be used as were employed by that individual who, he maintained, did direct and control his Majesty's Government; and he (the Earl of Winchilsea) doubted not, that next year the Ministers would come down to that House, and ask their Lordships to consent to a sum of 60 or 65 per cent. He called upon their Lordships to spurn such conduct. They had now the knowledge, and strength, and character of the country with them; and he was sure that they would act honestly and fearlessly with respect to this question, upon which hung the fate of his country, and of that Church which, as they had hitherto, he was sure they would continue to maintain.

Lord *Wharncliffe* wished to know whether the noble Lord would promise that this should be a final measure? If any reliance was to be placed upon the discussions which had occurred in another place, this could not be looked upon as a final measure. Indeed, his Majesty's Ministers had been told, that it was not, and never could be a final measure, but only an instalment, and a step towards something more. Had it not been said, that whatever might be done, all would be in vain, until other and more serious questions respecting the establishment in Ireland were disposed of; and that they must come to those other questions at last?

The Marquess of *Lansdowne* considered the observations of the noble Earl (Winchilsea) to amount to a distinct confirmation of that which had fallen from his noble Friend (Lord Melbourne). That noble Earl had alluded to a meeting composed, as he stated, of all the property and respectability of the county, at which resolutions concerning the general state of the county were unanimously adopted; and that which was omitted, he stated to the House, was the tithe question, from which the noble Earl had proceeded to infer, in the view which he took of his remarks, that that which the meeting appeared unanimously to resolve, had reference to questions upon which differences of opinion existed; but that that which they most carefully avoided altogether was, in point of fact, the real question upon which they were agreed. That might, indeed, be called by scoffers on this side of the water, a truly Irish meeting. But it was not for this that he had risen to address their Lordships. Speaking for himself, he did not think that this was the most important part of this Bill. But when so great a national settlement was offered—and only as a national settlement could he view it—whatever might be the opinions of individuals to whom the noble Baron (Wharncliffe) had alluded, and what measure, he would beg to ask their Lordships, had not been attended with such declarations, which, if they had been attended to, as the noble Lord desired upon the present occasion, would have hindered and destroyed the passing of every great question with which the noble Lord had himself been concerned during the course of his political career. He defied the noble Lord to look back for the period at which there had not been some discontented, enthusiastic, exaggerating individuals, who had protested against settlements as imperfect, insufficient, and insecure, which had, however, become highly beneficial by the wisdom of Parliament, which, without paying attention to such protestations, had looked at the question in a large and enlightened point of view—considering the circumstances of the country which it concerned, and relying for the permanence and duration of its success upon the practical result of the benefits which the measure might be calculated to produce? Again, he would contend that this measure was founded in no arbitrary desire to reduce the income of the tithe-owners, whether lay or clerical. Now, this measure regarded two parties—the tithe-owner and landowner—upon both of whom it had an important operation. Undoubtedly it entailed a considerable sacrifice upon the one; but it also imposed a new and undoubtedly very arduous undertaking upon the other. Now what was the value of tithe property? According to every calculation which he could make, the value of tithes was certainly not more than sixteen years' purchase. That was the case, not only now, but under the most energetic Governments, the most Orange Governments, under the Government of the Irish, and subsequently of the English Parliaments, they would not find that tithe ever had a greater value than sixteen years' purchase. Now it was proposed to give to the tithe-owner the security of land, though to a somewhat diminished amount. If a landowner were by means of a mortgage to pay the value of his tithes, he would pay the interest of that mortgage at 64, or not more than 70. To make himself more intelligible, suppose that the tithes were worth 100*l.* a-year, the value would be 1,600*l.* at sixteen years' purchase; and the landowner would have to pay by a mortgage on land, interest only at 4 per cent., 64; or, at 4½ per cent., something more than 70. Thus, then, the Bill would give to the tithe-owner an increased security for a small sum, instead of his present insecurity upon a larger one. Then he contended that that was not an arbitrary principle, it was a fair and intelligible principle; there was a difference in the amount to be received, but they must deduct from that the difference between security and insecurity. As a landlord himself in Ireland, he would be the last person to stand upon the value of any trifling amount—but he would not admit that there was anything unfair, anything unjust, anything ungenerous, in the specific clause then under their consideration.

The Marquess of *Westmeath* denied that he had ever attempted to underrate the value of tithes, but at the same time he would ask whether any capitalist would advance a single sixpence on tithe, even at the promised rate of four per cent., or four and a-half per cent, mentioned by the noble Marquess?

Lord *Alvanley* begged to ask the noble Viscount whether he could hope that any settlement could be effected now, if they consented to reduce the income of the clergy five per cent.? When they came to throw out the appropriation clause, as they naturally would do—the only result would be that His Majesty's Ministers would come down next year with a demand for further concession, and with the appropriation clause again. If they wished really for a final settlement of the question they must overthrow that appropriation clause; it was supported by a very small majority of the other House, and a majority which, if nicely analysed, would not be very satisfactory to the Protestant people of this country. For his own part he would be glad to give up the thirty per cent., if by that means some settlement of the question could be attained; but he was convinced that the only object was to procure this reduction, in order that a still farther one might be demanded next year.

Their Lordships divided on the amendment:—Content 126; Not-Content 48: Majority 78.

List of the NOT-CONTENTS.

The Lord Chancellor
DUKES.
Grafton
Sutherland
Leinster
Argyll.
MARQUESSES.
Lansdowne
Headfort
Conyngham
Clanricarde
Queensberry
Westminster
Tavistock.
EARLS.
Radnor
Burlington
Thanet
Minto
Sefton
Charlemont
Craven
Albemarle
Ilchester
Leitrim
Granville
Carlisle
Scarborough.
VISCOUNTS.
Melbourne
Duncannon
Falkland.
BISHOPS.
Durham
Hereford
Bristol
BARONS.
Say and Sele
Plunket
Ducie

Foley
Seaford
Holland
Barham
Teynham
Glenlyon
Gardner
Mostyn
Segrave
Suffield
Crewe
Templemore
Hatherton
Strafford

Amendment agreed to. Clause as amended agreed to.

Clauses up to 10 inclusive agreed to, with verbal amendments.

On Clause 11, relating to compositions for tithes,

Lord *Lyndhurst* wished to remind their Lordships of the history of the Tithe-composition Acts introduced by Mr. Goulburn and Lord Stanley. The number of compositions entered into under the first Act was 1,500, out of which only thirty-nine cases of appeal had arisen, of which fifteen were withdrawn. The composition had been reduced in only three cases. Lord Stanley's Act came into operation in 1832, under which, power was given to re-open compositions, and after an interval of eight years another opportunity of appeal was given. But there were only six appeals entered, four of which were dismissed; one composition was increased, and the other reduced. Would they consent to re-open the tithe-compositions under such circumstances as these? There would be a great risk of doing injustice to the parties concerned, as well as considerable difficulty in attempting to re-open those compositions. This was felt in the year 1823, in consequence of the peculiar mode in which tithes had been paid in many instances. To call upon the House to rip up transactions, and to overturn agreements that had been settled twenty-one years ago, appeared to him to be the height of injustice. He also objected to the mode of appeal as expensive and unsatisfactory. Under the former Acts appeals were decided by the Privy Council, but now there were to be three barristers sent about at an expense of five guineas per day besides travelling expenses, and the wretched incumbent who was not able to get in his tithes was to be subjected to all the expenses and costs attendant upon the visits of those barristers. He called upon their Lordships to reject these clauses —namely, from clause eleven up to clause twenty-four inclusive. It had been said that some of the compositions under Lord Stanley's Act had been hastily made, so that concealment and fraud had been practised; if so, such cases ought to be revised, not by three barristers, but by a proper tribunal. The noble Lord concluded by moving, that the eleventh clause, and other clauses consequent upon it, be omitted.

Viscount *Melbourne* said, the clause in the present Bill was similar he believed to the clause in the former Bill presented to their Lordships. He must confess he had felt that this was the most objectionable clause, in point of principle, of any to be found in the Bill. He considered that it was a clause which must rather be viewed as an exception, founded on special circumstances, than as one that could be said to stand on its own intrinsic merits. He must say, however, that the noble and learned Lord had made his case so strong against opening compositions at all, that he had scarcely left himself any grounds to go upon for agreeing to that point to which he did accede. There had unquestionably been very great neglect in entering into these compositions; power of appeal had not been efficient, it having been generally thought that tithe was never to be paid again. It had been represented to him, and on that information the clause had been framed, that whatever compositions had formerly been entered into they were in fact extremely unequal, and in many cases extremely oppressive. It appeared to him that when they were contemplating a departure from principle, it was much more satisfactory to comprehend as many cases of redress as possible. He thought it better, then, that their Lordships should adopt the Bill as brought up by the other House; but if the noble and learned Lord persisted in his amendment, he should not take the sense of the House upon the question.

Lord *Carbery* said that the tribunals before which appeals were made ought to be local, otherwise great hardship and expense would be entailed upon parties.

Lord *Plunkett* said, he had reason to know that the operation of Lord Stanley's Bill had produced great expense and inconvenience to parties.

Lord *Lyndhurst* suggested that the Assistant Barristers might hear appeals, with an appeal from them to the judge of assize.

Lord *Hatherton* said the whole time of the Assistant Barristers was already fully occupied. His own opinion was, that appeals should be heard in the respective parishes, by what number of barristers might be settled upon a future occasion. This would be the most cheap and efficient way.

Amendment agreed to, and clauses up to 22 inclusive were struck out.

Clauses from 23 to 49 inclusive were agreed to, with verbal amendments.

Upon Clause 50 (the appropriation clause),

Lord *Lyndhurst* said, that the House, in arriving at this fiftieth clause, had come to an entirely new subject. The forty-nine previous clauses had all closely related to the measure for the commutation of tithe in Ireland—a measure admitted on all hands to be most desirable, and which was stated by the noble Viscount, in the strongest terms, to be a measure most beneficial to Ireland, in being eminently calculated to effect the very important object of securing to that country that peace and happiness, the absence of which had for so long a period been made the subject of general complaint. It would, therefore, be very naturally asked, why this measure—entire and perfect measure as it was—a measure unanimously assented to by every Member of their Lordships' House, and all but unanimously assented to by the House of Commons—it was made a matter of very natural inquiry, why a measure in itself so perfect and so desirable, and so unanimously assented to by both Houses of Parliament, had not, long before this, been passed into a law? A noble and learned Lord, a distinguished Member of the Government, had exhorted noble Lords on his (Lord Lyndhurst's) side of the House to pass this measure into a law; and he would very earnestly give the same exhortation to the noble and learned Lord and his friends. What could be the reason why this beneficial measure, this measure so warmly eulogised by all parties, had not been finally adopted by the Legislature? The answer was as ready as it was complete; it was simply because his Majesty's Ministers had thought proper to engraft upon this desirable measure a proposition of a very different character, a proposition which had no natural or necessary connection whatever with it. Year after year the noble Viscount had reproached those Members of the House with whom he (Lord Lyndhurst) had the honour to act, with rejecting a measure which he described as so essential to Ireland; but he would altogether deny that they had rejected it; on the contrary they had adopted the measure. In the last session of Parliament they had expressed themselves quite willing to consent to its being passed, but they then, as now, absolutely refused to consent to the other proposition which was engrafted upon it—a proposition so widely different from it—and this was the reason why the measure had not been passed into law. What was the reason of all this? That reason had its origin in, and was fully borne out by, the fatal resolution which had been passed upon the principle involved in the House of Commons. He was far from wishing to speak disrespectfully of any measure adopted by that body, but in reference to those who originated and framed, and carried through the measure of which he spoke, he must call to the recollection of the House the fact, not denied even by the party themselves, that they had acted together in recommending it to the House of Commons in the view and determination thereby to overturn the then Ministry, and to put themselves in office. Of such a proceeding as this (looking to its object merely) he would leave the House to judge; all he would say of it was, that it did not appear to him to be a very laudable one. But when he considered that the party in question must have known, at the time they were forming their plan and putting it into execution, the fearful consequences which were likely to result from it, and which, in fact, had resulted from it—the mischievous effects which it must infallibly produce, not only upon the present but the future condition of the country—when he considered that this party must have been fully aware that in what they were doing they were acting against the best interests of the country, that they were introducing a proposition which must infallibly become the grounds of serious discord between the two Houses of Parliament—a proposition which was eminently calculated to form a bar to the passing of that very measure which they themselves so loudly cried for as almost amounting to a *panacea* for the misfortunes of Ireland—when he considered all these circumstances, he must at once fairly say that there were no terms of reprobation sufficient to mark his sense of the conduct of those who had been instrumental in bringing forward the proposition in question. The case being as he had thus stated it, he hoped, and, indeed, confidently expected, the more particularly when he called to mind the language and manner of the noble Viscount opposite on bringing forward this measure the other night—he hoped and expected, he would repeat, that that noble Lord would now consent to abandon this most obnoxious principle; that the noble Lord, seeing the fearful consequences—the disasters which must necessarily befal the country if that principle became a law—would have the good sense, the patriotism, and the manliness, which so corresponded with his character, at once to free himself from the fetters, to throw off the bonds by which he was unhappily confined, and manfully abandon a proposition which was so mischievous and fearful. If any arguments were wanting to show the impropriety of this proposition, they were fully supplied by the circumstances to which he had adverted. At the time the resolution spoken of was passed the state of the Irish Church was totally misunderstood. The grossest, the most absurd exaggerations, had for a long time existed on the subject. It was unnecessary for him to advert in detail to the statements made in Dr. Doyle's often-quoted letter; the general summing up of that letter was, that the revenues of the Church of Ireland amounted to several millions sterling; and that the Protestant population of that country, meaning that part of the Protestant population which conformed to the Established Church was only 320,000. This was one of the absurd exaggerations which were industriously circulated. Again, in the year 1834, a Member of the House of Commons, a gentleman who had honoured the present Ministry with his support upon great occasions, but who, it was to be remarked, had within the last day or two exhibited some alarming symptoms of wavering—a gentleman, moreover, who had no inexperienced head at figures—he alluded to the hon. Member for Middlesex—this gentleman, in 1834, actually stated to the House of Commons, as the result of sundry close calculations he had made, that the precise amount of the revenues of the Irish Church was no less a sum than 3,300,000*l*. Such being the exaggerations carefully set abroad, it was no great matter of surprise, certainly, that a very warm feeling upon the subject should have arisen. It was true, no doubt, that since that period, these statements had been subjected to the correction of facts; and that, consequently, such representations had been very considerably modified; but what the House had to consider was, that at the time the mischievous resolution in question was passed by the House of Commons, these misstatements were in full operation, and had given rise to the existence of a very general impression, that the revenues of the Irish Church, as compared with the members of that Church, were most extravagant and enormous. It being now, however, made clearly apparent that these statements were gross exaggerations, that the revenues of the Irish Church were not more than were necessary to provide for the care of the 900,000 souls under its charge, common sense and reason loudly protested against the idea of longer adhering to a resolution the foundations of which were laid in the grossest misrepresentation of the real state of the Irish Church. Upon these grounds he confidently submitted to the noble Viscount, that he was fully justified in throwing over, and entirely abandoning the principle involved in the present clause; and he firmly trusted that the noble Lord would never consent to sacrifice the best interests of the country for what might, in fact, now be looked upon as a mere punctilio. There were other grounds for abandoning this principle, which he would beg to submit to the noble Viscount. The noble Viscount had told the House on a former night, and had told it, moreover, with great emphasis, that all his measures were his own; that he suffered no dictation, no influence, no control, direct or indirect, to bias his conduct. This was a declaration which it had given him great satisfaction to hear; he had, of course, never for a moment supposed that the noble Viscount, upon any occasion, would permit direct dictation to be exercised towards him by any individual or any body of men; but at the same time he must observe the House was pretty generally aware that there did exist an individual—an individual described by the noble and learned Lord opposite as the favorite of the country—the House, he would repeat, well knew that there did exist an individual who at this point of time was placed in such a position as to be able either to uphold or to destroy the present Administration—by that individual's *fiat* must the Government stand or fall. Such being the case, such being the position of the noble Viscount and his colleagues, trembling under the sword, which hung suspended over their heads—the House might entertain some apprehension that—however decidedly the noble Viscount might repel direct interference—some indirect influence or control might, by possibility, be exercised upon the proceedings of the Government by the individual alluded to. Our great dramatic poet had it,—

> "That when the lion fawns upon the lamb,
> The lamb doth never cease to follow him."

He rejoiced in the assertion made by the noble Viscount, and in the statement, not only that he had no direct control exercised over him, but that he was not subject even to indirect influence or control from any quarter; and he appealed to the sound and manly understanding of the noble Viscount with some confidence that he would consider well the position in which he stood, in which the country stands, and that he would not suffer this idle scheme—for he trusted he should be able to show their Lordships that it was an idle scheme—to stand in the way of giving effect to the measure which everybody admitted the state of Ireland required, and which everybody admitted was necessary for the tranquillity of that country and the security of the empire. There was another personal argument which he should address to the noble Viscount, and which he also hoped would have some weight with him. The noble Viscount sometimes condescended to give advice to noble Lords at his (Lord Lyndhurst's) side of the House. He sometimes read them lectures as to the prudence and propriety of the course they were following. Now it was not very long since the noble Viscount, pursuing that strain, directed their attention to the decrease of their numbers in the other House of Parliament as the touchstone by which they should be guided, and the test by which they might measure the prudence and the propriety of the course they were following. That was the argument which had been made use of by the noble Viscount. True it was, that that argument had been addressed to them in a moment of temporary elevation and excitement, when the party barometer stood very high, when it was, in fact, up to eighty-six, when it had attained the point of movement heat. It had since, however, sunk down to twenty-six, which, according to his recollection, was something below the freezing point; and if the principle were correct as applicable to eighty-six, it could be no less correct when applied to the number of twenty-six. Now, the noble Viscount must recollect, that when this Resolution was first proposed in the other House of Parliament by a person in the opposition, with all the iufluence and power of Government against him, it was carried by a majority of thirty-nine or thirty-seven. A year and a-half had since elapsed. The noble Viscount had been during the whole of that time in possession of office, and all the power, control, and influence that belonged to it; yet the majority on this question had been reduced to twenty-six. If, then, they were to take advice and counsel from the declining numbers on their part in the House of Commons, he would take the liberty of presenting to the noble Viscount this position of things as a reason why he should consider well whether it was fair and proper for him to adhere to his former course. But there was another observation to which a noble Lord near him had directed his attention, an observation which was a matter of most material consideration—namely, that in taking the numbers of the other House of Parliament as a guide to the course of conduct they ought to pursue, they were not to consider the numbers only of the majority and minority, but of what they were respectively composed. The other House of Parliament had unfolded the means of analyzing the majority, and had shown of what it consisted. When he informed their Lordships that the majority of Protestants in that House, including his Majesty's Government, were opposed to this measure, he thought that such a circumstance should weigh strongly with the noble Viscount. When he informed their Lordships that the majority of the English representatives, including Catholics and Protestants, were against that measure, and lastly, when he mentioned, that upon withdrawing from the division the names of His Majesty's Ministers, there appeared a clear majority against the noble Viscount, he thought that these circumstances would also have some weight with him. When the noble Viscount considered how that majority was composed, and of what materials it consisted, and when he recollected the statement which he himself had made in that House—namely, that the whole Church was against him—that the Universities were against him—that he had against him the landed interest of the country—that he had against him the gentry of the country, and that the great majority of the peerage was against him—when he recollected all this, was he not entitled to infer that the noble Viscount would pause before he ventured to persevere in the course he had hitherto pursued? He now came to the consideration of the measure before their Lordships' House. He considered it a distinct measure. It was in itself distinct, and ought not to be encumbered with a measure altogether of a different nature, uniting, as it were, the living with the dead. He thought that those who looked carefully into the provisions of this Bill would agree with him in looking upon it as the most mischievous measure that had yet been presented to their Lordships' House; the object of which was, by a new arrangement of the benefices of Ireland, and of the incomes of incumbents, to squeeze out a surplus, to be appropriated to the provisions of this Bill. Assuming that a surplus could be created, it was not to be so appropriated, to use the words of his noble and learned Friend, until a proper and ample provision should have been made for the clergy of the Irish Church. First of all, assuming that something could be saved—that they could reduce the standard of the payment of the clergy of Ireland, and that something could be thereby saved, allow him to point their attention to the manner in which that, in the first instance, was to be done. The Church Temporalities Bill had been passed for a laudable object. It was supposed that by the reduction of ten sees, and by other means suggested in the Bill, a great and important object would be attained. That reduction was to be directed to the payment of church cess; it was to be applied, to the augmentation of small livings, the building and repairing of churches and glebe-houses—objects all of which had been described by the noble Earl (Grey) when he moved the second reading of the Bill, as great and important to the welfare of the church itself. They all knew what had been the result of that measure, and that, with the single exception of church cess, not one single sixpence could be applied from that fund before the year 1873—a period of nearly forty years from the present time—to any of these great and important objects connected with the welfare of the church—namely, the building and repairing of churches and glebe-houses, &c., all of which must be postponed to the time he had mentioned. There was at this very moment moved for by his right hon. Friend in the other House of Parliament, a return of the Ecclesiastical Commissioners, describing the deplorable state of things in reference to this subject. He believed it had not been yet laid upon the table of that House, but he had seen it, and knew what were its contents. There was at this moment a sum of 57,000*l.* and upwards wanted for the repairs of churches. A large sum was also required for the building of churches; a large sum was most pressingly wanted, and had been most urgently applied, for the enlargement of churches in extensive and populous districts. If there were any surplus, if they could by any process extract a surplus, to what was it in the first instance to be applied? Was it not understood that it should not be applied to other than ecclesiastical purposes until all these necessities had been amply provided for? and until they were provided for, any surplus that might arise should certainly not be applied to the provisions of this Bill. This subject had been considered over and over again in the other House of Parliament. It was a question of figures, and it had been shown to absolute demonstration that there could be no surplus. Indeed, he might say it had been admitted by the noble Viscount himself the other evening, not certainly in terms, but undoubtedly admitted by the manner in which he conducted himself on that occasion—by his very gesture and tone, and by the very style in which he told the House—"There is a surplus for you!" No one, he (Lord Lyndhurst) well knew, could see through an absurd or ridiculous question sooner than the noble Viscount; and it was very evident that, on the occasion alluded to, he did not so much as desire that any one of their Lordships should suppose he had any other notion of the question than that it was a ridiculous one. He would ask their Lordships whether the noble Viscount did not actually himself ridicule and laugh at the idea of a surplus? Let them now see how this surplus was to be created. The first process was, to reduce the number of livings from 1,385 to 1,250. Now that reduction had been formed upon an obvious, and indeed admitted, mistake; for it was supposed, when it was made, that each of the 1,250 livings contained only 10,000 acres, and about fourteen square miles. Now, instead of 10,000, each living contained 16,000 acres; and instead of fourteen, the number of square miles in each was twenty-two or twenty-three, so that that process had utterly failed. Take the extent of Ireland to be 20,000,000 acres, and divide that by 1,385, the number of livings, and they would find the result to be 14,440 acres, or about nineteen square miles, to each benefice. If they then divided the same number of livings into the amount of that part of the population which adhered to the church establishment, viz., 852,084, they would give to each benefice 615 persons. Now he took that as the basis, and asked if the existing state of things in Ireland warranted this proposed reduction in the number of benefices? The average extent of every living would be nineteen square miles, aad the average amount to each living of members of the Church of England would be 615. Did this call for any reduction in the number of livings? Most undoubtedly not. The very first principle of the calculation proved it to be entirely false; and showed that there was no ground whatever for reducing the number of livings in Ireland. It was idle to say that there was, in some places, but few Protestants. The object was to augment small benefices, and in making calculations they should take the average amount of the whole, not individual instances. With respect to remuneration, he would take the sum stated to be applicable to the parochial clergy of Ireland—namely, 459,550*l.*, including tithes, ministers' money, Primate Boulter's fund, and glebe lands, stated at 86,500*l.* If they divided that sum, after making an allowance for the present curates, as provided by this Act, amounting to the sum of 84,400*l.*, thereby reducing it to 375,150*l.*—if they divided that by the number of livings, 1,385, they would find the result to be nearly the sum of 274*l.* for each living. Now if, as his noble and learned Friend had stated, the clergy of Ireland ought to be properly paid, he (Lord Lyndhurst) would ask whether 274*l.* to the rector or vicar of each benefice could be considered as too large a remuneration? That sum was less than the sum mentioned by the noble Viscount, who stated it at 295*l.*, exceeding the amount stated by him (Lord Lyndhurst) by 21*l.*, which, multiplied by the number of livings, would give, instead of a surplus, a real and absolute deficiency of upwards of 26,000*l.* Even taking the statement and principle that had issued from the Government itself, he thought, upon that statement and principle, he should be able to satisfy their Lordships that so far from there being a surplus, there was a real and positive deficiency. The sum to be applied was 459,550*l.*, and the charge upon that fund, according to the statement made by the noble Viscount, was 362,148*l.*, which left a balance of 97,612*l.*, although the noble Viscount made the amount of surplus about 75,000*l.* It was, in truth, 97,612*l.*, according to items from time to time stated by the noble Viscount. He, however, could show their Lordships, that items had been omitted which would at once destroy that balance; and he would now state what they were. The sinecures and suppressed livings under the Church Temporalities Act, amounted to 22,500*l.*; the sale of advowsons, for which no provision had been made,—the calculation upon which was, that one-half the income would be lost upon every sale—was, as stated by those conversant with the subject, not less than 25,000*l.* The glebe was overstated, according to the report of the Ecclesiastical Commissioners, in the amount of 9,700*l.*; it being, according to their calculation, 76,800*l.*, instead of 86,500*l.*; tax upon livings, 20,000*l.*; allowance for opening compositions, 10,230*l.*; and amount of curates' income understated, 6,962*l.*, added to the foregoing items, none of which were included in the account, would give the sum of 103,492*l.* to be deducted from the gross income, which, allowing the supposed surplus to be, as he had stated, 97,612*l.*, would show, instead of any surplus at all, a deficiency to the amount of 5,882*l.* With regard to the tax upon livings of 20,000*l.*, he knew it might be said, that the Ecclesiastical Commissioners would remit it; but they could not afford to do so. He defied the noble Lord, whom he perceived looking at the figures, to get rid of one of the items to which he had called the attention of their Lordships. They were then talking of a non-existing surplus and of a real deficiency, and yet, taking the calculation according to Government, how did it stand? What were they obliged to do?—Why, to reduce 130 livings to 100*l.* a-year. Men of education, brought up to a learned profession, who were expected to live decently, to keep in practice the laws of hospitality, to maintain the same respectability as persons amongst whom they lived, to support and educate a family—men of that class were to have their stipend reduced to 100*l.*, in order that the Government might be able to extort something ike a surplus. This was the kind of 'proper allowance" his noble and learned Friend was to confer upon the clergy. Why, that was a sum which their Lordships would give to an upper servant. Well, there were 800 of the clergy, rectors and vicars, who were to receive less than 200*l.* a-year. The income of two-thirds of the clergy of Ireland was to be reduced below 200*l.* a-year. Were their Lordships prepared to approve of that? If this money were to be drawn from the consolidated fund,—if it were to come from out of the public purse, and that they were providing in the first instance for the clergy, when they might perhaps justly say that they could afford no more, then indeed there might be some reason for this scanty provision; but they were taking from those men the property they actually possessed. Would their Lordships descend to such a measure? He remembered that his noble and learned Friend on the Woolsack had some time ago introduced a bill respecting imprisonment for debt, under which there were some merely ministerial offices requiring to be filled by persons, not of any previous education, but having some habits of business; and how did he propose to remunerate them? Why, according to the schedule of the Bill, they were to have 300*l.* a-year; and yet here they were taking away from persons such as he had described their own property, reducing their income in some instances to 80*l.*, for the purpose of creating a surplus. The noble Viscount ought, therefore, in a manly way, to abandon this idle project at once. But when was this ideal surplus to come into operation? Not during the lives of the present incumbents. They must all die off before this ideal surplus could be realized. So much for that part of the case. The livings of Ireland were to be cut down and new modelled to correspond with the feelings and opinions of noble Lords opposite. By what machinery was that to be accomplished? By a Board composed, in the first instance, of a Committee of the Privy Council, the number of the Board to be unlimited, to be depending upon the will of the Government for the time being, and to be removeable by that Government. They would, no doubt, have some security, while the noble Viscount continued at the head of the Government; but how long would that be? His reign might be short; it was uncertain by whom he might be succeeded; and was it to the nominees of future Governments—for this was a Bill operating *in futuro*,—was it to persons of whose characters they could know nothing they were to intrust this delicate task, and at whose mercy they were to place the Church of Ireland? The noble Viscount, forsooth, had given a security. He said, that they should be members of the Established Church. Why, some of the worst enemies of that Church were to be found amongst its own members, and he should be sorry to place it at the mercy of any set of men, upon that security alone. After the opinions he had heard broached in particular quarters, he could feel no confidence, no reliance upon such a security. He should not forget that, in addition, it had been proposed that the Archbishop, if he happened to be a member of the Privy Council, should be a member of the Board, and have a double vote. It was provided, that the majority should decide; and what in that case would become of the single or double vote of the Archbishop, in an assembly, the number of which was unlimited, and which was formed at the dictation of Government? This was the power, this the authority, to which the Church of Ireland was to be consigned. They reduced that church by the provisions of this Bill to the lowest ebb. But it did not stop there. The decisions of those persons were to be final. They might make arrangements from time to time for new modelling all the benefices in Ireland. They might still further cut down the incomes of the incumbents. It did not even stop there. In addition to the reduction of thirty per cent.—in addition to the 97,000*l.* surplus, they had the power of reducing incomes of 100*l.* to any sum they might think proper—of 200*l.* to 150*l.*, of 400*l.* to 300*l.* and of 500*l.* to 400*l.* If their Lordships would take the trouble of making a calculation on this head, they would find that those persons were to be vested with a power of reducing the income of the Church of Ireland, beyond what it was now proposed, to the extent of 74,000*l.* Was not all this a subject of great delicacy? But they were to have, besides, a control over the glebes of Ireland, an object to which they knew certain persons looked with a good deal of hope and expectation. They were empowered to dispose of as much of these glebes as they pleased, and if they were not given to incumbents, they were to form so much of the general funds of the country. They had heard that the Catholics of Ireland asserted, that their lot should be that of the glebe, and they looked to have the glebe in their own possession. What the result of all this was, their Lordships would see by referring to the documents to which he had taken the liberty of directing their Lordships' attention. In the first place, there was the supposed surplus of 97,612*l.* to be taken from the Irish Church; then there was to be deducted thirty per cent., which amounted to 153,450*l.*; by glebes a deduction of 86,500*l.* would be made, and a still further deduction was within the power of the Privy Council to the amount of 74,600*l.*; making in all no less a sum to be deducted from the revenues of the Church of Ireland than 412,162*l.* The whole revenues of the parochial clergy at present amounted to only 613,000*l.*; so that by the powers conferred on this Board, at the mercy of which the Church was to be placed, the property of the Irish Church might be reduced in the proportion of six to four, and two-thirds of it entirely taken away and devoted to other than ecclesiastical purposes. If the noble Viscount (Viscount Melbourne) upon a former occasion last year felt bound to confess that the measure he then introduced would inflict a heavy blow on Protestantism in Ireland—if he was forward to admit that it would operate great discouragement to the Church, and give great triumph to its adversaries—if that was justly said respecting the measure of last year, what was to be said of that now under their Lordships' consideration? He would be no party to such a measure—he would be no party to dealing such a blow upon Protestantism in Ireland—he would be no party to inflicting that discouragement upon the Church established, nor would he assist in administering materials of hope and triumph to its enemies. And for what was all this intended? For the purpose of conciliating the agitators of Ireland. That was the avowed purpose—a vain and idle hope. Those agitators had declared themselves that they would not be conciliated. They had said they would take this Bill only as an instalment of the debt of justice which they represented to be due to them—and that nothing would satisfy them short of the extinction of tithe in substance as well as in name, in whatever form or shape it might be found to exist. They had proclaimed in terms too distinct to be misunderstood, that as long as the Established Church remained an Established Church, they should continue to disturb and agitate the land. It was impossible—it was vain—it was idle to attempt to quiet and conciliate spirits of that description; instead of putting an end to the system which they were now pursuing, this measure of concession would only tend to increase their eagerness in the pursuit of their favourite but destructive schemes. Such were the observations with which he had thought it his duty to introduce the amendments he was now about to propose. He did not intend to strike out these clauses without substituting any thing in lieu of them; and what he proposed to substitute in their room, he would shortly describe to their Lordships. But before he did so, there was one clause to which for a few moments he begged leave to call their attention,—he alluded to a clause (the 53rd), by which, in consideration of the sums taken from the benefices of Ireland to be paid into the consolidated fund, a sum of 50,000*l.* a-year was to be advanced from the consolidated fund for the purposes of education in that country. He had no objection to large, liberal, extensive allowance in money for education in Ireland. When he had the honour of being a member of his Majesty's Government the grant for that purpose was by that Government increased from 30,000*l.* to upwards of 50,000*l.* a-year. There was no indisposition to do anything that was necessary in order amply to provide for so important an object. There were large and rich endowments in this country directed to that purpose; but in Ireland they were scanty and few; and he had no objection to supply the deficiency. But under the provisions of this measure, the moment they did that which was necessary with this view—the moment they struck out the few first lines of the clause in question, they altered its whole character; they made it a money clause—a clause of taxation; and then they would be told they were going beyond the constitutional powers of that House. Nothing could be more fatal to the whole question than sending down the Bill amended to the other House of Parliament with this clause so altered; for instead of discussing the matter on its substantial merits, they would be met *in limine* with taunt and objection, and their Lordships would be charged with having committed a breach of the privileges of the House of Commons. He was therefore prepared to state that it would be necessary to strike out that clause altogether.

Having stated thus much with respect to that clause, he had now to refer more immediately to the clause under consideration. He proposed, then, that the Ecclesiastical Commissioners should have the power—and that power was given to them by the clause he had prepared—of diminishing or extending particular benefices in Ireland, with reference to the extent of parishes, the duties to be performed, and the circumstances of the population, with power to diminish or augment the income of incumbents in those respects. He could not better describe the object of the clause than by referring to a noble Lord (Lord Stanley), a Member of the other House of Parliament, whose secession from the Government the noble Viscount took occasion the other night to declare had been to him a source of deep regret; it would be sufficient, therefore, to say that the clause had been framed to give effect to the wishes and intentions of that noble Lord, and from the encomium pronounced upon him on the occasion to which he alluded, he trusted the proposition would receive the support of the noble Viscount. There would be a power of reducing benefices not in towns which were upwards of 500*l.* to 500*l.* per annum, and to apply any fund that might arise from such deductions in augmenting smaller benefices, provided they were not increased beyond 300*l.* a-year; and he very much feared there was no fund that could possibly be collected from reducing the higher livings which would enable him to raise the poorer benefices to the proper and barely adequate scale. It was not necessary for him at present to do more than state the general outline of the clause; but he could not sit down without entreating their Lordships to take the measure thus altered and modified into their favourable and candid consideration. He entreated the noble Viscount, and his associates near him, to receive the measure in the same spirit. Never were men, never was a Government, placed in a situation more enviable than that in which the noble Viscount at present stood. [*Ironical cheers from both sides of the House.*] He did not mean to sneer—such was not his practice or habit—he spoke in sober seriousness. By accepting the Bill as it now stood, they would tranquillize Ireland, they would put an end to the discussion of this great question which had so long disquieted and agitated that country, and provide for the security of the empire at large. The noble Viscount might live long, he might perform much, but nothing he would ever achieve could exceed the good he would accomplish by adopting this measure as it would be modified by the proposition which he called upon their Lordships to sanction by their approval. The noble and learned Lord concluded by moving that the 50th Clause be struck out, for the purpose of substituting that which he had prepared for the purpose of carrying into effect the objects above stated.

The clause having been read,

Viscount *Melbourne* said, notwithstanding the various modes of persuasion and attempts to convince, adopted by the noble and learned Lord in the course of his very laboured and eloquent speech—notwithstanding the ridicule in which he indulged in one part, and the entreaties he addressed in another, it was perfectly impossible for him to comply with the request, or adopt the course, which had been so forcibly recommended by the noble and learned Lord. The same request had been made by a noble Friend on the cross-bench, which had cut short and nipped the hope rising in his mind during the whole debate, that instead of asking concession from him, noble Lords on the other side would have been prepared to concede the principle of appropriation, to what he undoubtedly regarded the general wish which the country felt upon the subject, and the necessity of at length concluding the discussion of this question, and which might easily be effected if the noble and learned Lord would only give way on the present occasion. The noble and learned Lord had stated many arguments—he had made many attacks on the Government in various parts of his speech, and he had also, besides criticising and expatiating on the measure of Government, opened much matter of his own. He would not attempt to follow the noble and learned Lord through the details of his speech, but he would observe, if the noble and learned Lord persisted in striking out the clause which he had expressed his intention to move the admission of—if he succeeded in inducing the House to agree with him in removing those clauses from the Bill, which he seemed to think could be done without involving the principle of the measure, he begged to state that he should consider that the measure was virtually destroyed. He begged to state that these clauses could not be struck out of the Bill without being fatal to its efficiency. The noble and learned Lord seemed to think that they could not continue these clauses in the Bill without its proving fatal to it, but that they might attain all that was required by Ministers, by striking them out, and by substituting his amendment; but for his part he would say, that if they omitted these clauses he would wash his hands of the Bill, and would not persist in the measure, which, would be deprived of the principle to which indeed, he was pledged, and which he deemed necessary to make it effective for the purpose to which it was directed. The noble and learned Lord had taunted him with some arguments he had used on a former occasion with respect to the increasing majority for Ministers in the House of Commons. The noble and learned Lord endeavoured to turn his argument against himself, by stating that a falling-off in the number of the majority might now be urged against him. The noble and learned Lord did not attach much weight to this argument when it was applied against himself, and he (Lord Melbourne) did not see why it should have more effect when urged against him. He had on the occasion to which allusion had been made referred to the progressive increase in the number of the majority in the other House in favour of Ministers—namely, that it had gone on increasing from seven or ten to eighty-six; but the noble and learned Lord had taunted him because the majority in favour of the appropriation clauses in this Bill had declined from thirty-seven, which it was last year, to twenty-six. Now this might be matter of accident, but whether it were so or not is immaterial; but he would tell the noble and learned Lord that he and his colleagues stood on that principle—they stood on the principle on which they had received the support of a majority of the other House —they stood on that to which they were pledged; and if they were not longer supported in the maintenance of that principle they were immediately ready to resign the offices they held; but they would not resign while they believed that they were supported by a majority of the other House of Parliament, and by a majority of the country. The noble and learned Lord had also adverted to another argument which he supposed he had used on a former occasion. He did not then admit what he had stated as a fact, but had made the admission for the sake of argument. He then said, that he would admit that the bulk of the gentry were opposed to them, that the bulk of the clergy were decidedly opposed to the Administration, but that he would not go into any calculation as to the amount in number on each side; but supposing this to be the case, he requested the noble and learned Lord not to rely too much on that circumstance, because, in fact, on looking back to the history of this country, it would appear that the bulk of the nobility and gentry had never opposed themselves to the general feeling and opinion of the country, but that they had been beaten in the long run. This was what he meant to state, and what he said with perfect sincerity, and from his anxiety to preserve the constitution and to promote the welfare of the country. He could not help feeling that it was a sound and wholesome truth, and he had stated it without intending to say anything in the least degree insulting, or to hold out anything like intimidation. He repeated, he conceived it to be a wholesome truth, which he thought should be present in the minds of noble Lords, and should be alive in the recollection of their Lordships. He had stated the general grounds on which he intended to rest with respect to the surplus. It would be impossible for him to go through all the figures to which the noble and learned Lord had adverted. He had before him very long calculations in support of the view of the subject which he had taken in regard to a surplus, and in accordance with the principles laid down in the present Bill. For his own part, he firmly believed in the accuracy of these calculations. The noble and learned Lord said, when he (Lord Melbourne) stated that there would be a surplus on a former occasion, that it was perfectly evident from his manner of doing so that he was not sanguine in his belief that there would be a surplus. He owned that there was considerable difficulty as to arriving at anything like an accurate estimate as to the amount, for it must obviously be very difficult to calculate accurately what would be the sum derived from such a variety of sources. As to whether the sum would be large or small, it might happen, as often happened in other calculations, that the surplus which they calculated to amount to only a small sum might be of large amount, and consequently much more than they had anticipated; and it might happen, on the contrary, that a different result should be attained. It was only the general result that he meant to express, but he could assure noble Lords that, as far as he was able to judge, if they acceded to the measure, and adopted the principle of appropriation as laid down in the present Bill, the peculiar effect which he had stated to the House would be produced. It was not his intention to make many observations in reply to the remarks or insinuations which had been thrown out as to the influence under which he was supposed to act. He had before alluded to this subject, and had directly contradicted the various statements that had been made; but he must again say, that if such influence as had been described was exercised with reference to the present Administration he was utterly unconscious of it, and he did not know anything whatever of the existence of such control; and, of course, for that of which he was unconscious, or which was unknown to him, he could not be held responsible. He would only state in reply that which he had repeated on a former occasion, that the noble and learned Lord had given credit to a statement without credit or foundation. But the noble and learned Lord now said, that the part of the measure before the House to which he objected had been adopted for the purpose of conciliating the agitator of Ireland. [Lord *Lyndhurst* had said agitators, he had used the word in the plural sense.] Well, then, as for the conciliation of agitators, he begged to deny the observation, as he formerly did, and to remark, as he had done when he had brought forward the proposition, that his object was to conciliate the whole country, and for the purpose of settling a question which the noble and learned Lord had himself said they should make any sacrifice to set at rest, which had so long distracted the country, and so long produced so much discord and dissention in that House. He had felt himself called upon to make these observations when he found that the noble and learned Lord had determined to persist in his intention to strike out of the Bill those clauses which he believed absolutely vital and essentially necessary to make the Bill satisfactory to the people of Ireland. After this he would not follow the noble and learned Lord into the plan which he had proposed as to the reduction of benefices; but he did not think that there was anything unfit or untenable in the proposition which he had made. With respect, however, to what the noble Lord had said regarding the stipends which he alleged would fall to the lot of many clergymen, he had some observation to make. The noble and learned Lord, after alluding to the character and learning of the clergy of the Church of Ireland, stated that they proposed to grant them incomes less in amount than the salaries which noble Lords allowed to their upper servants. Was that, he would ask, the way to consider the question? How many public functionaries were allowed but a small income? He could not help thinking that this was one of the worst comparisons that could be adopted. He believed, that if the matter were carefully examined into, it would appear that the average amount proposed to be allowed to the Irish clergy was considerably superior to that which was made to the clergy in England. He believed this was the case; and noble Lords ought also further to recollect, that Ireland was a country in which everything was much cheaper, and the scale of prices much lower than was the case in this country. He would not attempt to follow the noble Lord into a statement on the details of the measure, for this probably would be done by other noble Lords; and he readily admitted that there were many of his noble Friends near him who were more conversant with the details of the Bill than he had had an opportunity of being. But he stood up to declare his adherence to the great and decided principle of the Bill which he had adopted, and which he had determined to abide by, and from an adherence to which he could not depart without a sacrifice of his character and reputation, and the success of which he firmly believed would be beneficial to the country, and which he and his colleagues were determined to stand by. Allusion had been made to a resolution on this subject which had been adopted in the other House, and it had been censured as highly reprehensible. He knew that the resolution had been adopted at the end of a long political contest, but he contended, and he firmly believed it to be the case, that the resolution was framed in milder language than such things generally were at the end of a political contest. Noble Lords must be fully aware that great heats arose in contests of this nature; but notwithstanding the length of the debate, he did not think that there was any violence or harshness of language in the resolution, and he certainly did not agree in the censure passed on it by the noble and learned Lord, who had resorted to more invective and contumely with respect to it than any violence of language it contained. If, however, there was anything violent or rash in this resolution, he thought that noble Lords opposite were blameable, if not to the same extent, at least nearly so, as those who drew up the terms of the resolution. His own opinion was, that they should have resigned on the first vote when it was shown to them that they did not possess the confidence of the House of Commons, for there was hardly a vote of importance which the House of Commons came to when they were in office which did not mark a decided want of confidence in the Government which had called it together. If, therefore, there was anything violent or indiscreet in the language of the resolution, it was as much owing to the pertinacity manifested by noble Lords opposite, in attachment to office, as it was to the feeling of the party opposed to them. But he was of opinion that the resolution in question was not indiscreet—he was of opinion that the resolution was not rash and violent, but that it was calculated to set the question at rest, on grounds which would be really satisfactory to the country. Therefore, not only in point of honour, but in point of feeling, in point of every regard which they could consider binding on themselves as public men, he and his colleagues felt bound to adhere to the principle and to the letter of the resolution; and on these grounds he should give his decided negative to the proposition of the noble and learned Lord.

The Earl of *Mansfield* spoke as follows: As the noble Viscount has declared his intention of opposing the amendment proposed by the noble and learned Lord (Lyndhurst) I beg leave to trespass on the indulgence of your Lordships for a few moments, with observations on the Bill now under consideration; the objects of which, as they were most perspicuously detailed by the noble Viscount, on a former occasion, appear to me not to be necessarily combined in one Bill. If I entertained the opinion which appears to be held by his Majesty's Ministers, that no settlement of the tithe question will be satisfactory, unless it be accompanied with a new distribution of the Church revenues, and the appropriation of a surplus which appears, consequentially, to spring from that distribution, I should still have thought it better to divide the subject into two separate Bills, and should have directed your Lordships to the unfettered consideration of the tithe question, on which, although we entertain different opinions, we might eventually have come to some agreement. In the Bill of last year his Majesty's Ministers held out to the clergy the advantage of a remission of the arrears due from them in consideration of their consenting to a clause which they knew would be objectionable, and upon the propriety of which I will not now argue. Your Lordships were incapable of listening, unmoved, to the details of the sufferings endured by the unfortunate clergy, who were, in some cases, actually obliged to till the ground for the maintenance of themselves and their families; details which were, on the contrary, met by some of the supporters of Government with little short of the most insulting levity. I do not recollect the particular provisions of that Bill, but it seemed to me to be drawn up with some recollection of the opposition they had previously received; the clergy, however, are now rather in a better situation, owing to the operation of Lord Stanley's Act. I have always been favourable to a consideration and settlement of the tithe question, particularly in a country where religious opinions are so various and opposed as they are in this. We have lately passed a Bill for this purpose applicable to England, and a meritorious one it is. His Majesty's Ministers excused themselves for not having completed it last year, on the ground of the great difficulties attendant upon the question. We have now, however, happily completed it; and although the circumstances of England and Ireland are certainly different, the equitable principles of that Bill are equally applicable to both countries. In the English Bill, your Lordships have recognised the validity of the property in tithes, and repudiated the idea of their being only the property of those who officiate in the Church. You have recognised the right of the lay impropriator, as well as of the incumbent, ascertaining only as far as possible the amount of tithes to which they are respectively entitled. Your Lordships, in this Bill, are required to apply the same principle to the patrons of advowsons which are to be purchased. In order to do this it is necessary that you should know the real amount of the deductions to which the tithe is subject, that you may ascertain its real value; and it is on that ground I am not averse to the re-opening of the commutations in some particular cases; and I am sorry that a suggestion of mine was not adopted, to the effect that the Commissioners should not, in all cases, strictly abide by them. I quite agree with the noble Duke, who so clearly discriminated between the commutations effected under Lord Stanley's, and those effected under Mr. Goulburn's Act. This is an important measure. Whether it will tend to the pacification of Ireland or otherwise I know not, but we have considered it deeply, and done what we think to be just. I agree with the noble and learned Lord (Lyndhurst) as to the effect which will be produced by reducing the incomes of the ministers. I believe that the landlord will be the only person who will profit by the change. The next point which presents itself for consideration, is the distribution of the revenues of the Church; this is a subject of some difficulty, and one has a natural reluctance to acknowledge the principle involved; but under all the circumstances of the case, I must conclude that the time is come when we can no longer, with propriety, refuse to make a fresh distribution of the revenues of the Church, for the purpose of rendering that institution more efficacious, and extending the Protestant religion. This was the principle on which the Church Temporalities Bill was founded; a Bill to which I never assented, in all its parts. To a re-distribution, however, of these revenues, made by persons who are the most capable of judging of the matter, I am not disposed to object; but I have a different opinion upon the subject from that which has been expressed by the noble Viscount. I cannot admit that the labours of a minister are to be estimated merely in proportion to the number of his parishioners; the extent of his parish must also be taken into consideration. There may be a small number of Protestants in proportion to the whole population, but those Protestants may be dispersed over a very wide circuit; and is the smallness of their number any reason why the Church should be suffered to fall into decay, and to be left without a minister to officiate in it? I do not think that where the number of Protestants is so low as twenty-five, even a minister will be stationed among them in vain. I am acquainted with Ireland only through the descriptions given of it by those who belong to that country; but speaking from information thus acquired, I believe I may with confidence ask even Roman Catholics themselves, whether the ministers of the Church of England have made any difference between them and their own Protestant flocks in those seasons of sickness and distress which render all men alike objects of sympathy and compassion; and yet this Bill seems to proceed upon the assumption that they have been exclusive in their attentions, and that they shall now be dealt with in the proportion of the numerical amount of one profession, as compared with the other. The Bill assumes that there is a superabundance of revenues to be dealt with; if so I would claim out of it a decent and becoming stipend for the ministers of the Established Church. I will not enter into any details for the purpose of ascertaining whether there be this surplus or not. I think that the noble and learned Lord (Lyndhurst) has shown that we cannot calculate upon it. I should even, at one time, have thought it ridiculous to argue upon it; but as the Bill is formed upon the assumption of its existence, and enacts that an advance shall be made out of the Consolidated Fund on the credit of it; and as we are now discussing that Bill, I fear, not for the last time, some observations on the subject may not be totally irrelevant. I would not engage the House in any unnecessary dispute upon the nature of Church property. I will not presume to impugn the power of Parliament, to deal with the property of the individuals now holding it, and of their successors; but I must say that any violent and capricious interference with it, without providing proper compensation for the parties interested, not only for their pecuniary loss, but for their wounded feelings, would be an unwarrantable interference with the property of the country, would diminish its security, would prevent its beneficial investment, and would excite a general indignation against the injustice of Parliament. Trust-property and church-property are differently situated. A temperate and wise interference by Parliament with trust-property may not, at times, be utterly indefensible. I consider this property to be as sacred as our own; but there are cases of malversation in which the Courts of Law have interfered to make a distribution more consonant with the will of the founder of the trust, and I believe that in such cases as those the Parliament may justly interfere. Whether or not the property shall return to the family of the founder of the trust, if the objects to which the property was originally to be applied, shall have ceased to exist, may be matter of debate; but I believe that even in those arbitrary Acts of Henry 8th.—proclaiming the suppression of the monasteries—there was a reservation made of original rights. The property of the Church rests upon this basis, that it must be vested in the Church, and appropriated to the uses of the Church. It has been stated by a great authority that our duty is, in the first instance, to apply the funds of the Church to its own benefit; that when we have provided for all its wants, we may see to what other purpose the remaining portion may be applied, and that we cannot apply them to a better purpose than that of moral and religious education connected with the Established Church. To this proposition I assent. I estimate the importance of national education so highly, that upon the mere abstract question of the advantages which the community would derive from it, I should have no hesitation in consenting to a grant of money to be applied to that object; but I look upon the property of the Established Church, as property which must be exclusively appropriated to the purposes of that Church—a Church which I must regard as the Church of the majority of this realm. It is not, certainly, the Church of the majority if we confine our attention to Ireland alone; and if the Union had been merely a federal union, and not one of consolidation, I admit that the property of the Established Church in that country would not have stood upon the same ground it now does. But even supposing that we were disposed to make a distinction between England and Ireland in this respect—to sequester the property of the Church, and say that both Protestants and Roman Catholics shall respectively support their own Churches, what reason have we to suppose that this would satisfy the Catholics? Have they not declared the total subversion of the Established Protestant Church to be the object at which they aim? And, of course, it is not for your Lordships to legislate for such an object as that. In distributing the revenues of the Church we must proceed as if all were belonging to it; and as if there was no difference of opinion among us. If I may rely on the evidence of Mr. O'Connell, the Irish people do not demand to be freed from the payment of tithes on religious grounds; but that tithes would be equally objectionable to them, whether paid to the lay impropriator the clerical incumbent, or to persons of their own persuasion. Dr. Murray says, that the distribution of the revenues of the Church is not connected with religious feeling; he makes it a mere matter of political economy. Your Lordships, by this Bill, have relieved the people from the pressure of tithes; and there is another relief you have given them—that of the vestry cess, which they had no right to claim. I have no objection to appropriating the revenues of the Church to the purposes of education, provided that that education be given under the direction of the Established Church, and by the hands of her ministers. It is imposed upon them, indeed, as a duty, by an Act of Henry 8th., although as I think, rather for the purpose of substituting the English for the Irish language, than of giving the people such a moral and religious education as your Lordships wish to bestow upon them. I have no wis to speak with any disrespect of the Commissioners of education in Ireland, although I know that severe complaints have been made against them which will afford good grounds for inquiry. I am not satisfied with the practical effects of their operations, because our object should not only be the maintenance of the Protestant religion in Ireland, but we should also legislate for the maintenance of the principles of the Established Church. The persons who have the direction of these schools, should be orthodox members of the Established Church. The spirit of the Reformation, I admit, was a spirit of inquiry, but it was an inquiry into truth, as embodied in the doctrines of that Church. I have as unqualified a respect for the Universities as I have for the right Reverend Bench; but I do not think that the Universities should be made an arena for theological discussion; nor do I think it an improvement to put persons of discordant opinions upon the Bench. I go further, and say, that in preparing the clergy for the higher episcopal duties of their sacred office, I do not think it likely to conduce to reform, to place persons of heterodox principles in the theological chair. The noble Viscount having left us some time in doubt, has at length declared that he will abandon the Bill, if we resist the appropriation principle. I am sorry to hear this, because I think that the discussions which have taken place in this House, and which must be universally known, would have the effect of persuading the other House to accept of certain portions of the Bill upon which there is but little difference of opinion. That the settlement it contains of the tithe question would be acceptable to a great portion of the people of Ireland, cannot be denied—although complete satisfaction, I am afraid, is more than can be expected from any measure we may think proper to adopt. The threats of civil war which have been held out will have no effect upon me. In retiring from this House, I think we may say we have done our duty; which must be our consolation should we meet with censure where we think we are entitled to praise. We are supported cordially by the landed gentry; and I believe that the people —whose interests are surely as dear to us as our own—will do us justice, seeing that we have been always ready to accede to any reasonable projects of improvement, will not condemn us for rejecting those we have deemed to be of an opposite character. I do not think they will condemn us when they see our readiness to extend to Ireland the principles of an Act for the Commutation of Tithes which we have passed for England; but, should the feeling of the majority unfortunately be the contrary, we must submit to it with patience. For my own part, as long as I have a seat in this House, let there be censure or let there be praise, to be earned by the conscientious discharge of my duty, my vote shall correspond with my own feelings and opinions, as well as with those of my noble Friends, of whose patriotism I entertain no doubt, and with whom it is at once my pride and my pleasure to act.

Lord *Hatherton* observed, that there was no individual in the House who had less reason to lay down grounds to persuade their Lordships to give him credit for sincerity than the noble Earl who had just spoken. If he could bring himself to think that this Bill was in any degree calculated to do harm to the Church of England, he would be the last man in the world to give it his support. He advocated it, however, on the present occasion, because he entertained a sincere conviction that, surrounded as the Church of England in Ireland was by a hostile population daily dragging its abuses into light, and thus calling into question the expediency of its existence altogether, there was no other chance of salvation for it save by giving to that hostile population some interest in that surplus of revenue above its actual wants, which of late years had been very clearly proved to exist. The Church of England and the Church of Ireland, though united in law, were in a somewhat different situation; and his Majesty had never been more wisely advised than when he had declared from the Throne, that though the two Churches were in law inseparably united, there were circumstances connected with the Church of Ireland which rendered it desirable that Parliament should give to the affairs of that Church a separate consideration. The noble and learned Lord who had commenced this discussion, and who he was sorry not to see at that time in his place, had stated, and had stated with considerable emphasis, that it was worth the consideration of their Lordships, that Ministers would have been in a minority on the appropriation clause had the Catholic Members connected with Ireland been withdrawn from their majority. He heard with the deepest regret such an observation proceed from the noble and learned Lord, for it was aimed directly at the union now happily existing between the two countries. He would have put it to the candour and fair dealing of the noble and learned Lord, had he been present in the House, whether, if that clause had been to be decided by those only who were connected with Ireland by birth and property, there would not still have been a large majority in its favour. He contended, that, as an union had been effected between the two countries, it was the bounden duty of every Member of the united Parliament to consider upon every measure relating to Ireland what were the opinions of the people of that country respecting it. Could there be any doubt that the Church of England in Ireland would not be permitted to exist for another session with its present extensive establishment, supposing that the people of Ireland had a Parliament of their own sitting in Dublin? That was a reflection to which he had unavoidably been led by the remark, the lamentable remark, which had fallen from the noble and learned Lord. He was not going to question the propriety of the existence of the present Church Establishment in Ireland. He knew that it had long existed there; he knew that it had been planted and maintained there, not by the affections of the Irish people, but by the influence and power of the British Government. Rights and interests had in consequence sprung up, which claimed consideration. He was not going to advocate their subversion, but he was going to say that there never was a clearer course marked out for a British Legislature, seeing that the population which conformed to the Established Church did not exceed one-fifth of the whole population of Ireland, than that of extinguishing all the abuses which had grown up under it, and of applying such part of its revenue as exceeded what was indispensable for its own purposes to the religious and moral education of the Roman Catholic population. He always approached details of figures and statements of finance with a feeling of regret in that House. The noble and learned Lord to whom he had before alluded had given their Lordships an impression—he must be permitted to call it an erroneous impression—as to the nature of the distribution of Church property proposed under this Bill, and had said, that if that distribution were followed up, there would be no surplus for the Bill to appropriate. Now, to an orator of that noble and learned Lord's ingenuity, nothing would be more easy than to maintain a system of distribution by which no surplus would be left out of the revenues of the Church, even if they were eighteen, instead of eight hundred thousand, pounds. There would be no difficulty to a person of the noble and learned Lord's acuteness in proposing a system of distribution which would make any surplus, however large, disappear. In order to show the fallacy of the noble and learned Lord's statement, the noble Baron entered into a detailed account of the revenue of the parochial clergy arising under the provisions of the Irish Tithe Bill, and the expenditure consequent thereon. From this statement, which was nearly the same as that made to the House of Commons by Lord Morpeth—it appeared that the gross amount of revenue belonging to the parochial clergy was 461,900*l.*, and that the gross amount of expenditure required by the provisions of this Bill would be 385,425*l.*, thus leaving a clear surplus revenue of 75,475*l.* Out of this surplus it was proposed to appropriate to the purposes of national education a sum of 50,000*l.*, thus leaving a balance of 25,475*l.*, which would be applicable to defraying the expenses of collection, and the management of the rent-charges, to compensating the owners of lay advowsons, and to paying off the charges on existing benefices. Under this arrangement the fund provided by the Church Temporalities Bill would remain untouched, and that fund would, he contended, be much larger than had been calculated upon certain data furnished to Mr. Finlayson. He calculated that when this fund came into full operation, the total surplus would amount to 139,000*l.* His noble Friend near him (Lord Melbourne) had properly stated, and had stated very truly, that the clergy of the Church of Ireland would be much better off under this Bill than the Clergy of the Church of England. Under this Bill each clergyman in Ireland would have an average gross income of 294*l.*, or an average net income of 282*l.* Now the average net income in England was 285*l.*, but there the clergymen were liable to risks and losses, had the labour of collecting their revenue, and had also the task of paying their curates. Their average income was, therefore, less in point of reality, though it appeared larger in nominal amount. A noble Friend of his (Lord Fitzgerald), in a former debate, had made a reference to him, to which he had not adverted at the time, but on which he would say a few words on the present occasion. His noble Friend had quoted an expression of his in bringing in the Tithe Bill in 1834—namely, that in his (Lord Hatherton's) opinion it was desirable to keep the tithe question and the appropriation question distinct and separate. That opinion he sincerely entertained at the time, and he regretted that their Lordships by their own act and deed had rendered it impossible for the country to adhere to it. Their Lordships had then before them a measure giving to the clergy eighty per cent. on the gross amount of their compositions, without any appropriation clause at all; but that measure they had in their wisdom deemed it fitting to reject, and it was not for them now to taunt his noble Friend and himself for the failure of a measure which it would have been well for their Lordships and well for Ireland had they accepted. They might depend upon it, that the appropriation clause was the only price at which they could buy the settlement of this great question. It was the only price at which they could purchase the consent of the people of Ireland to it—it was the only price at which they could induce the representatives of large towns and popular constituencies in this country to agree to making the consolidated fund responsible for the payment of the Irish clergy. If their Lordships would not consent to pay that price, they might rest assured that the question of suppression would take the place of the question of appropriation, and that in a few years they would hear of the principle on which that subversion was to be accomplished. He begged their Lordships to recollect, that the appropriation of the revenues of the Church of Ireland had been the real source of all the disputes and affrays amounting almost to civil war, which had so long obstructed Government in obtaining tranquillity in Ireland. The severity of the laws directed against this evil had only aggravated its intensity. The real cause of the evil was to be found in the universal sentiment entertained by the people of Ireland of the injustice of the existing appropriation. That had always been avowed by the Roman Catholic priests and the Roman Catholic agitators. The 4th of William 4th had relieved the lower classes of the occupying tenants of Ireland from the payment of tithe; but it had not lessened their dislike to the system. And why was this? Because every Irish tenant knew that the assessments which he paid to the repair of the roads on which he travelled, and to the maintenance of the police, were all institutions from which he at some time or other received benefit. It was from the opposite reason, because he knew that he derived no benefit from the payment of tithe, that the resistance to that payment excited the warmest sympathy among the peasantry of Ireland. What had been the course taken by the Legislature to subdue that resistance? Seventy years ago they had enacted, in point of legislation as to six or seven counties in the west of Ireland, the very same measures which they had recently enacted respecting them. Then their enactments had been attended with greater success than they had been attended recently, and for this reason, then their Lordships were stronger. Year after year they had loaded the statute-book with severe, and he might even say sanguinary laws, for the purpose of supporting the tottering fabric of the Church Establishment in Ireland. They had advanced a large sum for the support of glebe-houses in Ireland, and yet they had advanced but little in the consummation of their projects. They had taken military possession of the country by detachments of horse and foot and artillery, and after all that parade of force had succeeded in collecting 25,000*l.* of tithe arrears at an expense of 12,000*l.* They had voted 1,000,000*l.* as a loan to the clergy on the security of their tithe, and not one farthing of it had yet been, or ever would be, repaid. And now, when all the hopes of the Church rested on four Barons of the Exchequer and their drunken commissioners of rebellion, it was said that the affairs of the Church never looked better. He admitted that in some cases payment had been got, but did their Lordships believe that the same feelings would not again break forth into the same resistance, and that they would not produce the same results? In discussing this question their Lordships were bound to recollect, that the Reformation had never taken effect in Ireland. For 300 years and more, by laws of sanguinary operation, they tried to support and advance the Reformation in that country—oppression, imprisonment, confiscation, arming the son against the father, and the father against the son, disinheriting of brothers—fraud and treachery of every kind—all had been tried, and tried in vain. The Roman Catholic population had signally defeated their oppressors—step by step—item by item, they had re-conquered all their civil rights—and here their Lordships were, with the experience of 300 years before them, following the same blind course, debating, not the question whether the temporalities of the Church should be given to the religion of the majority of the people, for that was not asked of them—debating, not the question whether there should be some proportionate division of those temporalities among the different sects, for even that was not required—but insisting that not one farthing of the revenues of the Church should be employed to enlighten the minds of the Roman Catholics or the Dissenters, although they formed ten-elevenths of the community of the kingdom. He had quoted to their Lordships an extract from the Report of the Ecclesiastical Commissioners to show that there was a large number of Churches in Ireland in which there were either no congregations or only very small ones. He had shown that there was not less than 240 parishes which contained not more than ten Protestant families. Now, he would ask of those noble Lords who were connected by birth or property with Ireland, whether they had never seen that which he saw twenty years ago for the first time, which had then made a powerful impression on his mind, and which had never since been obliterated from it—he would ask, he said, any of the noble Lords opposite whether they had never seen in Ireland a hundred Roman Catholic peasants on their knees on the cold ground, round a humble edifice too small to contain them, and yet built and maintained out of their scanty earnings, while the Protestant Church was either left entirely deserted, or only echoed to the footsteps of two or three worshippers pacing down its aisles? Whilst on this subject he would call their attention to another fact, which bore strongly on the same subject. He observed that some short time since, the right reverend Prelate, the primate, had presented a petition from the diocese of Kilfenora, praying for a redistribution of the Church property of Ireland. Now, on looking to the Parliamentary Returns, he found that in the diocese of Kilfenora the members of the Established Church formed scarcely two-thirds per cent of the whole population. They were in the proportion of two-thirds of an unit to seven. If a redistribution of property took place in that diocese, he thought that the clergy of it would not even have salt to their porridge. But was this a solitary instance in Ireland? Quite the reverse. In the province of Armagh they formed sixteen—in that of Dublin fourteen—in that of Cashel four—and in that of Tuam three per cent of the population. There were three dioceses in which they were less than one-fiftieth, and eight in which they constituted less than a twentieth of the population. Startling as these facts were, there would be something consolatory if there were any prospect of this state of things being reversed, and if there were any hope that the number of Protestants was on the increase. But there was no such prospect, no such hope. He had referred to documents to see what the number of Protestants were some years back, and what they were now. The facts which he was now going to submit to the House were extracted from a very able article on this subject, published in the *Edinburgh Review*, of last July by Mr. Lister. In the reign of Charles the 2nd, Sir W. Petty stated the proportion of Protestants to Roman Catholics to be as three to eight. In the year 1733, Dr. Maule, Bishop of Dromore, stated it to be as three to seven and a-half. In the same year, the hearth-money collectors made it to be as three to eight. In 1731, the Roman Catholic Bishop of Ossory made it to be as three to five and three-quarters; but Mr. Lister abjured his authority, as liable to suspicion. "Thus," says he, "the least exaggerated of these estimates of the number of Protestants a century ago makes them to the Catholics as three to eight. The proportion which they now bear is only three to twelve and three-quarters." He regarded this as a proof, not only that the Reformation never had taken effect in Ireland, but also that it never would take effect under their past system of legislation, and that liberality, and liberality alone, was the course which their legislation ought to follow. It was not unimportant to ascertain what was the course of other Governments in similar circumstances—as, for instance, in Austria, where the majority of the people were Catholics. He would not repeat what his noble Friend near him had said to their Lordships on that subject. The argument employed by his noble Friend was an argument of great weight, and must have produced considerable effect upon their Lordships. He would only say, in addition to it, that there was no state in Europe, save Spain and Portugal, and Italy, with which their Lordships would blush to have England compared or assimilated, which had not pursued a course diametrically opposite to ours. In Saxony, where the royal family was Catholic, the ministers of four different sects were salaried and paid by the state. In France, in Holland, in Catholic Belgium, all religions were treated with equal favour by the State. He found that the King of Prussia, to whom several Catholic provinces had been ceded on the termination of the war, had not only established in them all the different religions on the same footing, but had also established in his Lutheran provinces Roman Catholic Bishops, and had attached to them chapters and canons, and also a seminary for priests; and thus those Catholic provinces, which it was feared would be a constant source of danger and alarm to him, had become part of his strength and defence. In Ireland alone it was deemed safe and prudent to disregard the religion of the majority; and the result had been, that the Roman Catholics had there formed for themselves an Established Church not destitute of wealth, and that their priests, smarting under a sense of injustice, were bringing up the youth intrusted to them for tuition in feelings of atred, if not of hostility, to England. He ontended that the education of the lower lasses of Catholics could not be neglected ny longer with safety to the interests of he Established Church. The value which vas attached to education in Ireland was roved by the establishment of the Killare-street schools, of the Diocesan chools, and of various other similar intitutions. Latterly the Government had ntered upon a better and a wiser course. t had established what had been justly nd properly called a national system of ducation. Among all the great boons vhich the empire owed to the Administraion of Lord Grey, and he had only to nention the improvement in our repreentative system, the opening of the trade o the east, and the total abolition of lavery, to remind them how great those oons were—there was none of such inaluable importance as the introduction f the national system of education in reland. That system was conceived in he true spirit of benevolence and philanhropy; it rested on the everlasting basis f Christian love and Christian charity; t would be known to posterity by the eelings of peace and amity which it would enerate, by drawing under the same walls hildren of different religions, and by estabishing among them relations of mutual onfidence and harmony. There could e no doubt that these would be the happy esults of this system, and he, therefore, ejoiced that the House of Commons had ent up to them a second time a Bill on his subject, and that they had connected vith it a measure so well adapted for the noral and religious education of the people f Ireland.

The Bishop of *Exeter* spoke as follows*: rise more particularly at the present noment, because the noble Baron, who has ust sat down, has put forth principles vhich have not yet been advocated by oble Lords on his side. He has left us othing to conjecture; he has told us, lainly, that the Church must give way:—that it is useless to persist, and that there s no hope of peace in Ireland while we ontinue the Establishment in its present tate,—that it is not likely to take any old upon the people of Ireland. The oble Baron has especially challenged us o consider the progress of reformation in hat country, telling us that the knowledge of true religion has not advanced there. Now, to such an assertion as this, I offer the most unqualified contradiction. True it is that the cause of religious reformation was not taken up in the first instance in such a manner as became those who wished to propagate religious truth;—true it is that Henry 8th, Queen Elizabeth, and perhaps all the Sovereigns of the House of Stuart, with the exception of King James 1st, neglected the first duty of their station,—that of endeavouring to impress upon their subjects the knowledge of religious truth,—upon which both the security of the Throne and the temporal and eternal happiness of the people depend. Shame to their memories for that neglect! Until within the last thirty-six years there has been too much of the leaven of human politics in every thing connected with the Church of Ireland: from an early period of her history until recently, the Church has been starved, notwithstanding what we now hear of its enormous wealth. Some noble Lords, I see, appear to be astonished at such a declaration as this, but that astonishment must be removed if they will call to mind what they have read; for I suppose there are none among us who would attempt to interfere in such matters, without having read the works of Sir Henry Sydney, and Sir John Davis, with Clark's *History of Ireland*, and all those other writers who give an account of the state of Ireland in the sixteenth and seventeenth centuries; all of whom show that the Church was then in a state of disgraceful degradation,—disgraceful, not to the Church but to the Governments which had anticipated, or, until within the last half century, continued that infamous Resolution passed by the Irish House of Commons in 1734; a resolution which ensured the poverty of the Church, with the exception of the episcopal revenues, for after ages. At that time there had been hardly any tillage in Ireland; indeed, such had been the want of it, that there had been an Act in force, until a very recent period, making it penal upon every cultivator not to till at least five acres every year. The demand for tillage was so small that it became totally neglected; and Campbell, in his "Survey of the South of Ireland," states, that in the year 1775, the clergy of Munster were in a pitiable state of poverty, in consequence. To such an extent did this poverty prevail, that the Royal Society of Dublin, so lately as the year 1771, adopted, at one of its most solemn meetings, a resolution, deploring the condition of the country. And still later, in 1772, this poverty still continuing, no less a sum than 600,000*l.* was expended in the importation of meal, corn, and flour, for its relief. At the discussion which took place in the Irish House of Commons, in 1793, a noble Earl, whom I do not now see in his place, distinguished himself by a speech, which was almost prophetic of the ills resulting from that disastrous vote of the Parliament, the resolution granting the elective franchise to the Roman Catholics. He stated, on that occasion, that tillage was of recent introduction into the country—the consequence of which was, the utmost poverty and total inefficiency of the Established Church in Ireland. Since the Union, however, the case has been very different; and in no country has there been so wonderful a spring as has been witnessed in Ireland, in religious character, owing to the diffusion of sound religious knowledge, in spite of the interruptions and tremendous persecutions which the clergy of the Established Church for the last few years have undergone. If it be, then, asked, what hope is there that any thing will be done for Ireland by the Established Church? I appeal to its present condition, there, for my reply. We have in it 2,000 ministers, who are an honour to the Christian Church. We have nearly 1,000,000 of professed members, who, in their religious character, and in their real attachment to the Church to which they belong, are very different from many of the so-called members of the Church of England. There is a strong and vigorous principle of religion in Ireland, which, although it is sometimes displayed with a degree of irregularity which I am not by any means disposed to applaud, is so vital in its character, that I have no doubt it will eventually sober down into the pure spirit of Protestantism. The condition of the Church is, therefore, an assurance to us of God's blessing that it will not be deserted by our High Master, but that he will eventually add to its followers from the multitudes of that benighted land. And I am not a little astonished, my Lords, when I consider what the party is which has been pursuing this amended course; most highly to their honour, when they were intrusted with the affairs of the Administration in 1806 and 1807, they were actuated by a laudable and earnest zeal to promote the best interests of the Church in Ireland. I hold in my hand a copy of a letter which was sent by the late Lord Spencer, then Secretary of State for the Home Department, to the Lord-Lieutenant of Ireland. It is couched in terms highly honourable to the Government who dictated it, in which honour more than one of his Majesty's present Ministers has a right to participate, and of that honour I freely give them their share. The letter is in these words—

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* From a corrected Report.

"Among the important subjects involved in the Government of that part of the United Kingdom over which your Grace is appointed to preside, there is none on which his Majesty's paternal care for the welfare of his subjects leads him to look with more anxiety, than the present state of the Established Church in Ireland; and the obvious necessity of adopting without delay, proper measures for its support, and for remedying the evil which at present unfortunately exists. With this view, his Majesty is pleased to command me to write to you, requesting you to inquire into all such matters of information as may suggest themselves to you, or which may have occurred to the Bishops themselves, as useful in enabling his Majesty to give effect to his benevolent intention, of supporting the Established Church in that part of the United Kingdom."

Such were the instructions given to the Lord-Lieutenant by the Whig Cabinet of that day, and the Lord-Lieutenant followed them up by a circular letter to the Archbishops and Bishops of the Church, in these words—

"I have the honour to submit to your Grace a copy of a letter I have received from Lord Spencer, intimating the command of his Majesty to communicate with your Grace, and the other Prelates of Ireland, upon the important matters therein contained. It will afford the most heartfelt satisfaction to me to be the instrument of promoting his Majesty's benevolent views towards the support of the Church, and to give effect to his paternal solicitude for the welfare of his people on a subject so vital to their interests, and in which the essential interests of the empire are so immediately concerned."

In consequence of these letters, inquiries were made throughout the several provinces and dioceses in Ireland. His Majesty's Ministers indicating at the same time the liberal intentions of the Government—announcing their intention of proposing votes for the support of the Church, as well as for the building of glebe-houses. Those Ministers were shortly superseded; but the Government who followed them acted upon the same principles; and the Commissioners of Instruction reported, in 1831, that the churches had increased from 636 to 1,838 in number. This eagerness to increase the number of churches is, however, still more apparent from a return now on your Lordships' table. In spite of the discouragements it was necessary for the Ecclesiastical Commissioners of Ireland to give to such applications, by announcing the hopelessness of compliance with them;—it appears that there were no less than thirty-eight applications for new churches, 147 for enlargement, and 113 for rebuilding, and these demands were not made under any supposition that the whole cost would be furnished by the Commissioners; for in every case in which they gave assistance, they required that the applicants should themselves supply a certain portion of the necessary funds, which, notwithstanding all their distress and suffering, they most liberally did. Is this, then, such a mark of coldness towards the Church as destroys all hope of her efficiency? There is no indication so conclusive on the subject of clerical residence as the means which are provided for ensuring it; the increase of glebe-houses is a satisfactory proof of the extent of residence in the benefices of Ireland. At the beginning of this century there were no more than 291 glebe-houses in Ireland. It appears, however, by the Report of the Commissioners of Public Instruction, that in 1831 these had increased to 850, principally erected by the clergy themselves with but a trifling assistance from the State; and yet the noble Viscount tells us, that it is necessary to introduce a Bill for the reduction of the Church. The noble Baron, who spoke last, seems to think that reform is advancing with too rapid strides, that religion is travelling at too quick a pace; so much so, that it is absolutely necessary to check the eagerness on the part of the people to receive,—and on the part of the ministers of the Established Church to impart,—religious knowledge; for he has struck off one-sixth of the number of clergymen at a single blow. But is this in reality the object of the noble Viscount? Yes; the scheme which is to satisfy so perfectly the demands of justice, which is to produce so much tranquillity and effect so many glorious ends, consists in reducing the number of benefices from 1,385 to 1,250. The noble Viscount—and on this point he was followed by the noble Baron—has ventured to tell us, that the opulence of the clergy is so great, that it is necessary to give it some check; that the Church is in such an exuberant state of prosperity — [Viscount *Melbourne*: No, no!]—You did not use those words; but you said that, from which I draw such a conclusion. I have a right to put the arguments of the noble Viscount in my own language. This is the real amount of what the noble Viscount says—he tells us it is necessary to reconcile the state of things in Ireland to "common sense and reason;" "that to enable us to defend it with decency and good faith, we must lop off a large portion of the Establishment;" and, therefore, I contend, that I am justifiable in using the word "exuberant." We have been further told, that the condition of the clergy in Ireland under the new Establishment, will be far better than that of the clergy in England. I have taken the trouble to ascertain how this stands from the figures of the noble Viscount; and from this calculation it appears, that the income allotted to the clergy will be 368,350*l.* per annum, to be distributed amongst 1,250 parishes, giving an average income of 300*l.* a-year. I beg your Lordships to look, however, at the real result. The noble Viscount has assumed, that in all cases the Commissioners will grant to the incumbent the full amount the Act permits; but that would truly be a violation of the instructions contained in the Bill, and, therefore, is not to be expected from them. Where the power of graduation is permitted, they will surely not feel justified in taking either the highest or the lowest scale; and it is also not to be overlooked that, in taking 300*l.* a-year as the income of the clergy, we cannot expect that the tax-gatherer should forget his claims—that the two-and-a-half per cent. deduction will be abandoned—that the payment to curates will be dispensed with, or any of the other charges inseparable from the existence of those incomes. Of the 1,250 benefices the Commissioners will be at liberty to fix the incomes of the clergy below 100*l.* I may assume that they will fix them somewhere about 75*l.*; this will be about the average. Forty-five pounds' worth of glebe is the highest amount that can be granted; and to small livings I do not suppose the Commissioners will assign more than 25*l.*; their incomes then will be, after the necessary deductions, somewhere about 98*l.* 2*s.* 6*d.*: that will be the liberal allowance to 123 livings! Then there will be 675 in which the population ranges between 50 and 500 Protestants; there the incomes of the incumbents will not be less than 150*l.* a-year nor more than 200*l.*, with probably

30*l.* worth of glebe, from which, as from the rest, the necessary deductions are to be made. The next class will bring us to livings, of which the incomes vary from 250*l.* to 300*l.* a-year. Here I calculate that the incomes will be about 321*l.* 10*s.* I next proceed to a higher scale of livings, where the population ranges between 1,000 and 3,000, and where the Commissioners assign between 300*l.* and 400*l.* a-year, and in this class I calculate that the incomes will be about 385*l.* 10*s.* Lastly, I would call your Lordships' attention to the highest class, namely—that where the population exceeds 3,000, and where the income cannot, under the Bill, exceed 500*l.* a-year, with 45*l.* for glebe. The net income of this class of livings I would fix at 445*l.* 10*s.* Then there will be payment provided for 241 curates; these will, of course, be chiefly assigned to the larger livings, but the average income of all the livings cannot, as I have now demonstrated, exceed 240*l.* 10*s.* 6*d.* the largest being but 445*l.* 10*s.* Now, clearly, that would be placing the Irish clergy in a worse situation than the Scottish clergy, for in Scotland the Manse must always be kept in repair for the clergyman, whereas, by the Bill, all the glebes will at once vest in the Crown, and not one of them can be obtained by a clergyman, without the special order of the Lord-Lieutenant; and all this his Majesty's present Government are pleased to describe as a most liberal Church Establishment. In further confirmation of the grounds which I am laying before your Lordships for the vote I intend to give, I will call your attention to the state of the diocese of Tuam. In that diocese there are—

		£.	s.	d.
34	benefices, containing a superficies of more than 40 square miles each, on the average.			
2	will be suppressed, having fewer than 25 inhabitants of the Church of England.			
32	remain, having a superficies of 43 square miles each; of these—			
2	are in Class I., the annual income of each at the utmost	142	10	0
24	in Class II., between 50 and 500 churchmen; (of these eight will have no glebe-houses)	240	0	0
	in Class III., between 500 and 1,000 (one has no glebe-house)	224	10	0
3	in Class IV., between 1,000 and 3,000 (two have no glebe-houses)	385	0	0
32				

At present there are forty-six working clergymen resident on these thirty-two benefices. By the Bill there will be only thirty-five. At present, one benefice, and one only, has an income exceeding 1,000*l.* per annum, namely, the wardenship of Galway, an union of seven parishes, having an income of 1,127*l.* per annum; a population of 1064 members of the Church among 56,503 Roman Catholics, and maintaining five clergymen (the warden and four vicars). By the Bill, these five will be reduced to two vicars—one living in the city of Galway, to sustain the interests and character of the Church, amidst 50,000 Roman Catholics, with an income, being (in Class III.) at the utmost of 324*l.* 10*s.* per annum, and without a glebe-house. The other will be in the rural part of the union (Class II.) having 240*l.* per annum, and no house. In the diocese, there are at present five other benefices, having an income exceeding 500*l.* per annum, each; of these, one having only forty-three churchmen, (the number increasing) will be in Class I.; the other four in Class II. At present these four maintain six resident clergymen. These, by the Bill, will be reduced to four. Such, then, will be the working of the Bill. Then it will deal extensively with patrons—it has much to do with patronage; for the buying up of which, at twelve years purchase, it proposes to make provision. A noble Duke, whom I do not now see in his place, is impropriator of nearly thirty parishes, and is patron of many of the vicarages. In the diocese of Lismore, alone, he presents to thirteen vicarages, having his portion in all the parishes as impropriate rector. His share in the compositions of these thirteen benefices amounts to about 6,000*l.* per annum. The vicars have somewhat more than 4,300*l.* per annum among them, besides glebes. Now, in dealing with these vicarages according to the Bill, it will be necessary to compensate the patron. Taking 4,316*l.* as the amount of the compositions, and deducting 30 per cent., according to the Bill, in order to reduce these compositions to rent-charges, (which 30 per cent. is allowed to the landlord on account of imposing this liability upon him,) the compositions are lowered to 3,021*l.* per annum; and then, taking two-and-a-half per cent. for collecting the rent-charges, the result is, that these compositions are reduced to 2,946*l.* per annum. Add to this the value of the glebes (which according to Erck, would average about 236*l.* per annum, upon thirteen benefices in the province of Cashel), the sum is 3,182*l.*, being the amount of the annual value of the thirteen livings. These are to be compensated to the patron at the rate of twelve years' purchase; therefore 38,184*l.* will be paid to the Duke of Devonshire as patron. Of the thirteen benefices, three will be suppressed, not having twenty-five churchmen each; three will be in Class I., entitled, according to the noble Lord's statement, to 142*l.* 10*s.* each; seven in Class II., entitled to 240*l.* each. Thus, the amount paid to all the clergymen will be only 2,106*l.* 10*s.* per annum. The Consolidated Fund will have to pay the Duke's compensation, (38,184*l.*,) which, in three per cent. consols at ninety, will amount to a perpetual annuity of 1,280*l.* But as this fund will receive the difference between the present and the future value of the livings, amounting to 1,076*l.* per annum, its loss will be only 204*l.* per annum. The result of the whole operation may be thus briefly expressed:—The Duke of Devonshire as patron, receives 38,184*l.* in exchange for patronage; the minister gets the patronage of ten livings: the Consolidated Fund loses 204*l.* per annum; the Church loses 1,076*l.* per annum. Such are the results of this Bill with respect to patronage; and then with respect to vicarages only, they are enormous, indeed, when we come to the better class of livings. To say, therefore, that the scheme is one for the benefit of the Established Church, is ridiculous; to say that it will promote peace, is not only ridiculous, but glaringly false. If it be adopted with the view of pacifying those persons who would extort enormous concessions from the weakness of Parliament, it is a mistake; for it will only encourage these persons to make a vast increase in their demands. We have not heard one single noble Lord affect to say, that the scheme is a final settlement. It would be an insult to commmon sense to suggest such an idea. All that the scheme can do is, to carry the Administration over another year; after which they must trust to the chapter of accidents for something else; but let us, in the mean time, recollect what we are doing —we are encouraging a Bill which is opposed to the law of the land; we are ncouraging a scheme of perjury and perfidy, as gigantic as ever stained the pages of history; and I have been greatly disappointed, in observing the cautious abstinence of noble Lords on this ground of objection, which I consider to be the most essential of the whole—I mean the tremendous crime of which the Roman Catholic agitators are guilty—the burden of which is quite appalling to the imagination. To think that the British House of Parliament should even consult on a measure based upon such perfidy as this, without ever alluding to it, makes one think that one has not, indeed, fallen upon the happiest of times. But I must pause, and apologise to one Noble Earl who has alluded to the point with his usual eloquence; and I would do it in the most ample manner possible. That noble Lord is never backward in asserting the rights of the Church. Is there one noble Lord who has spoken, or is about to speak, who will rise up in his place, and say, that he considers that those who are driving on this measure, have not been guilty of treachery or perjury of the grossest kind? I defy any one to contradict me, when I say, that not a single agitator of Ireland has been free from the guilt of the most tremendous perjury. It is the condition on which they have received their civil privileges, to take an oath which I say they have most unscrupulously violated; and if there be any doubt on this subject, I will mention one or two circumstances to show the construction which is put upon that oath by the Roman Catholics themselves. All Catholic public functionaries are required to take this oath. The Roman Catholic Bishop of Malta was nominated by his Majesty one of the Council of that Island. The oath was tendered to him, accordingly; but when he saw the tenor of it, he felt that, as an honest Catholic, he could not observe it, and therefore he did what became him as an honest man—he refused to take the oath, and he is not a member of the Council. If I am wrong, the noble Viscount can correct me, as could the noble Secretary of the Colonies, if he were here; therefore we have, in this instance, the testimony of a Roman Catholic, as to the stringent nature of the oath. But I will cite another authority—it is that of a Roman Catholic Member of the other House (Mr. Wyse, the representative of Waterford), who has published a history of the Catholic Association. At the end of this history he gives a digest of various events which had happened previous to the passing of the Roman Catholic Relief Bill. Speaking of the 5th of March, 1829, he says—

"A Bill was introduced to abolish the civil disabilities of the Roman Catholics by repealing the oaths of supremacy and abjuration, substituting for them an oath of allegiance to the Protestant succession in the House of Brunswick, and binding the Catholics to defend the settlement of property as established by law, and not to injure nor suppress the present Church Establishment."

Such is the sense in which this Roman Catholic also views the oath. And let me ask those noble Lords particularly, who were parties to the passing of the Relief Bill, whether they would not, at that time, have scouted the idea of attaching any other meaning to it? And would any one, then, have dared to say, without exposing himself to the taunt of illiberality from all present, that within seven years this oath would be set at naught, and that every Irish Roman Catholic Member of the House of Commons would join in an attempt to subvert the Established Church; or, still more, that an officer of his Majesty's Government, a Roman Catholic Gentleman, the A torney-General of Ireland, should be one who would join in bringing in a Bill for that very purpose—for the Bill bears his name upon the back of it as one of those who brought it in—the name of the Attorney-General for Ireland; a Roman Catholic who has sworn to do nothing either to subvert or to injure the Protestant Establishment in Ireland; and yet the very Bill which so bears his name proposes to cut up that Establishment root and branch—[*Oh, oh!*]—noble Lords may jeer me, but I repeat it; the Bill makes the Establishment dependent upon the will of a Committee of the Privy Council, which is, of course, to be nominated by the Secretary for Ireland—a Nobleman who, unless he be grievously slandered, is in the habit of taking recommendations of persons to fill all sorts of stations from those very gentlemen to whom I have alluded. I need not say, that they must consider themselves bound by this oath; others have said so. The noble Baron near me (Lord Holland) has said so, in a letter addresed to a friend of his. Dr. Shuttleworth asks him whether there will be any security, and whether they, the Catholics, are to be believed on their oaths, and will be considered to have abandoned all designs to subvert the Protestant Church, if they distinctly say so? I take this from a letter addressed to the warden of New College, Oxford, written by Lord Holland, and printed in 1827. The answer of the noble Baron is as follows:—

"I can only say, that for the last twenty years, they have been saying so distinctly, repeatedly, solemnly, and I believe sincerely, in all their petitions, declarations, and in their evidence upon oath; whether they will now say, they will continue to do so, is somewhat more problematical."

The noble Baron says, that the oath has been uniformly taken, believing it to be binding. I call upon him, then, to assent to my assertion, that all those who have set forward the agitation which has been kept up against the Protestant Church have grossly violated their oath. All those who have been concerned in concocting this Bill cannot have lost sight of the injury they are doing the Church,—it is intended for the purpose of weakening it at least; the noble Viscount has declared this openly, for he said, it is a great discouragement to Protestantism. Will any one venture to maintain, after this, that the measure is innoxious to the Church? Does not common sense declare that those who have taken this oath have been guilty of perjury in forwarding it? And are not your Lordships bound to refuse to make yourselves parties to perjury and perfidy like this? Has there not been a solemn engagement entered into by the Ministers, as far as they are concerned, to preserve the rights of the Church inviolate? I have again the authority of the noble Baron near me on this point, for he says,—

"The Union does give a claim to the security of the Church of Ireland, and as long as there is a prospect of effecting, not a nominal, but a real Union, by which the Irish people shall be admitted to the full enjoyment of our constitutional privileges, so long on the ground of scruples, and in consideration of the article of Union though not from a sense of its usefulness, I am ready to maintain the Protestant Church with her enormous revenues." [Lord *Holland, Hear! hear!*"] I am glad the noble Baron, Lord Holland, cheers. I call upon him to fulfil his promise, now, in the presence of his Peers; by his honour as a Peer—by his integrity as a man—and by his faith as a Christian—to redeem the pledge which he has given; a pledge given—not in the heat of debate—but calmly and deliberately. And as a reason for making concession, he has thus pledged himself that if those concessions were made, he would, in consideration of the Articles of Union, "maintain the Protestant Church, with her enormous revenues." And does he think that he is doing so, by joining in the concocting of this measure, and by maintaining it? It is extraordinary to me if he do. I am anxious to hear how he can do so. My Lords, the noble Baron (Lord Hatherton), seems to consider the Established Church as useless or idle, and that, therefore, it must not be kept up, but that its revenues must be equally distributed among all classes; and this, coupled with the declaration of the noble Viscount, that it is right the establishment should be that of the majority of the country, would lead us to suppose he means, that because the majority is Roman Catholic in Ireland, the Established Church ought to be so too.—[Viscount *Melbourne* "No"] Such, however, is the effect of the noble Viscount's argument, and it is quite a relief to my mind to be told he did not mean to say so; in the same speech I understood him to speak of the Bill as a discouragement to the Protestant Religion. So I understood the noble Viscount; but I will not press that construction, as the noble Viscount's disclaims it. In fact, I should have supposed that such could not have been his meaning, if his words had not conveyed the idea so plainly to my mind; because he used to be one of those who spoke of the necessity of maintaining the Protestant religion in Ireland. He would not, he said, consent to the passing of the Relief Bill, as it would check the spread of Protestantism in Ireland;—that s a declaration of sentiment which is ascribed to him, at least. He said it was "a consummation devoutly to be wished" o extend the interests of true religion in reland—that he was even ready to forego his hopes of the Catholic relief bill if he could be made to see that the consequence of it would be to check the spread of true eligion.

I will not trespass longer on your Lordhips' time on this occasion. I feel it to be an occasion of awful importance, for our conduct on which we shall have to answer. Your Lordships are this night called upon to declare whether you will adhere o the faith of your forefathers, or whether ou will abandon it on the grounds of ere expediency? I am quite sure that ou will reject this measure; I have no oubt of it; I never have had any. My nly hope is, that you will not be thwarted n that quarter where it is of the utmost nportance that sound principles should revail. My only wish is, that your faithl adherence to the cause of true religion, as well as to the constitution of this realm, will make converts of his Majesty's Ministers.

Lord *Holland* said, after the allusions that had been made to his conduct by the right rev. Prelate, he thought it necessary, in his own vindication, to say a few words. He rose for the purpose of redeeming that pledge which the noble and rev. Lord said he had made. He gave their Lordships his assurance that he should vote for this Bill, and he should vote for it for the purpose which the noble and rev. lord said he was pledged to fulfil—to take his chance of maintaining the Irish Church; and he considered he maintained that Church, though it might be in some small degree curtailed by this Bill of its enormous revenues. Enormous revenues, perhaps, the noble and rev. Lord did not consider them, who held such notions of Church reformation, glebe-houses, and agistment tithes: whose understanding seemed to be that a revenue of 600,000*l.* was not an enormous revenue for the Church. It might not be in the view of the noble and rev. Lord a matter of any importance, for large was the amount of the revenue in comparison with the number of the flock, their wants, and the duties to be performed. The noble and rev. Lord talked of the flourishing state of the Church and of the Protestant religion in Ireland; he told them of a great many churches that had been built, of a great many glebe lands that had been improved, and this was the evidence he brought of the progress of the Church. But the right rev. Prelate did not tell them of any increase in the number of the Protestants. He did not understand these abstract notions of the Church. What he understood a church to consist of was a great number of laymen and clergymen professing the same religion. He did not understand the Church to be flourishing because there were more churches and a less number of people to go to them than there were formerly. He did not think the noble and rev. Lord had adopted a decent or decorous manner of answering questions in the House. It was neither decent nor decorous to quote pamphlets, as his had been quoted on the present occasion; but the right rev. Father in God had set the example, and it was not impossible that he might yet some day find the inconvenience of having set such an example. If the right rev. prelate had done him the honour to investigate that pamphlet fully, he would confidently say that no opinion would have been found in it at variance with any opinion that he had before expressed in that House. It was some years since he wrote that pamphlet, and the opinion he expressed in it was, that by granting Catholic emancipation, they had a chance of saving the Protestant Church; for the more concession they made the more likely they were to preserve it; but on the other hand, its preservation was impossible if they acted in a spirit of exclusion and distrust. The opinion he had expressed in the pamphlet on the subject of the Union was a little stronger than the opinion he should express now if he were to revise it. The article of the Union to which he referred said, that the discipline and government of the Church of Ireland should be the same as the Church of England. Not one word was contained in it relative to the Church temporalities. It was well known at the time of the Union, that Mr. Pitt contemplated two measures for the complete separation of the churches. It was impossible to look at the proceedings of that period and to contend that the Union was any bar to the present Bill. The Union reminded him of a man of whom he could not speak without respect, the father of his noble Friend the Marquess of Lansdowne. In a speech which he delivered, after much consultation with the government of the day, he stated—(in that forcible way in which he always stated everything—for his speeches contained much wisdom and thought) as one of the reasons for which he should rejoice in the Union, "that it would get rid of that curse and bane of Ireland—the tithes." The speech of Lord Minto, upon that occasion, was one of the most elaborate ever delivered in Parliament; "the advantages of the Union, he thought, were not only the removal of civil disabilities from the Catholics, but the settlement of those religious differences which prevailed in that country—Ireland." Perhaps, however, he was attaching more importance to the subject of the Union than a mere casual reference to it on the part of the learned and rev. Lord deserved. Let him ask their Lordships, were they sitting here in the character of the Parliament of a Supreme Government, or not? were there either here, or in the other House, men fettered in their votes, or not? The learned and rev. Lord talked of peace. Was it consistent with peace, or charity, for one man to set himself up as the judge of another man's conscience?—were Members of that House to stand up, and arraign Members of the other House, on no less a crime than that of perjury—perjury, and for what? To what did the imputation amount, after all, but that the persons accused by the learned and rev. Lord did not apply the same construction to an Act of Parliament as the right rev. Prelate. A more religious, charitable, pious, and acute man, perhaps, did not exist than the Attorney-General for Ireland; and he was sure that, in proposing this Bill, that learned person believed it to be quite consistent with the oath he had taken. The rev. Lord had no right to put his own construction upon the Bill, and then charge that learned individual with a violation of his oath, because he did not take a similar view. A noble Earl opposite, in a speech which appeared to have made much impression upon the House, spoke of the conditions sought to be imposed upon the clergy by the House of Commons; but was it anything new in this country for the representatives of the people, when called upon either to grant money, or to remit that which was due to the State, to annex certain conditions to the grant, having for their object the security of their rights and property? Had they entirely forgotten the constitutional maxim of this country—"grant and grievance go together?"—and how did the case stand? The clergy on one side came to Parliament and said,—"such is the peculiar situation of our property, owing to the difference in matters of religion which prevails, that we cannot enforce our rights, we cannot recover our just debts, and therefore we call upon you, the Legislature, to grant us relief." To which, in the true spirit of the House of Commons of old, and of the Constitution, they reply—"You call upon us to pass laws for your relief, but we must have a grievance redressed, and until this is done we will not agree to your request." If Edward 1st, who was called the English Justinian, said to an able sophister like the noble Duke, or to a man of so distinguished a mind as the noble Earl, "I want my eigthths or my tenths to carry on my wars in Scotland," they would say—"O, but we want our charters confirmed." "Your charters!" says the King, "what have they to do with my eighths, my tenths, or my fifteenths? Give me them first, and I will talk to you about your charters afterwards."

ut if this system had been assented to, the ountry would never have had its Petition f Rights. When Charles 1st came for his ubsidy, he said—"You must vote me the oney, or I cannot go on." "True," aid the House of Commons, "but we annot vote you the subsidy until you grant s our Petition of Rights." If the thing ere right, and the House of Commons ere determined to have it, that was the ght way to obtain it. He believed the easure was good for every part of the ountry, and he would put it again to the arned and rev. Lord, to consider whether was not the only one which was likely o preserve such an anomaly as the Irish hurch was; an anomaly, of which there as no example in the history of surround- g nations. If they would have an Esta- ished Church in the midst of a people not f its communion, the only way to preserve was to court the affections of those who ere naturally hostile to it.

The Earl of *Winchilsea* said, he must aintain, that the oath alluded to, had een intended by Parliament as a security r the Protestant Church, which he ought no man, in or out of the House, ould deny. He agreed with the noble relate in believing that individuals had btained power by taking that oath, which ey had afterwards used in violation of it. he would look for a proof of the cor- ctness of the view which he took of that ath, he would look around that House, nd he would say, that he saw not one ember of another church taking any part the present discussion. It proved that ose noble Lords did regard the oath intended to be a security to the Pro- stant Church, and that they considered e present measure to be one which aimed fatal blow at the very existence of that hurch. He admired their conscientious onduct, and would to God that all the embers of the other House, who were oman Catholics, had paid the same re- ard to the oath as the Roman Catholic eers of that House. The simple question fore the House was, whether they were have an Established Church or not? If y part of the property of the Irish hurch were taken away, and given to y other purposes than those of the hurch, from that moment the mainte- ance of the Church-establishment would virtually given up. It was argued, that e majority of the people of Ireland were oman Catholics, and that, therefore, the Church could not be maintained. There were spots in the country where the Dissenters were predominant, and if the Establishment was to be given up in one case, he maintained that the Dissenters,—not the whole body of Dissenters, for he believed there were many of them who were in favour of the Establishment, believing that religion would not long be maintained in the country without it—but he believed that there was a portion of the Dissenters who had joined the revolutionary party in this country, and who wished to have similar concessions made to them with regard to the Established Church in England. The question was, whether they as Protestants, valuing the blessings which the Reformation had conferred upon them, by giving and securing to them a sound scriptural religion, would give up their rights and privileges? If they did so, they would be guilty of gross dereliction of duty to themselves, and to the country. If they gave up the Establishment, they would give up that true and enlightening religion which had conferred so many blessings on this country. The Protestant Reformation had been incontrovertibly proved to be the foundation of those liberties, civil and religious, which, as a nation, we enjoyed beyond any other country on earth. If they gave up that, they would give up the foundation of all their greatness. From the moment they surrendered any part of the established religion in one part of the empire, upon no principle could they support it in any other part, and therefore he felt bound to support the amendment of his learned Friend.

The Marquess of *Clanricarde* thought, that if there was any foundation for so grave a charge as that of perjury, it ought to be brought forward in a solemn, distinct, and substantive form. He also thought it unfair to infer, that because a Peer happened to be absent from that Committee, he did not therefore take any interest in the question. He knew that a Catholic Peer was present during the discussion the other night, but though he did not vote, on a division having taken place, he might be fairly supposed to have been ready to vote. He knew of two Catholic Peers, of the highest rank, having distinctly paired off, and of another who had placed his proxy in the hands of one of his noble friends, to be used with respect to this very Bill. He distinctly recollected that Sir R. Peel, on one occasion, declared that every Roman Catholic Member of Parliament was fully entitled to all the rights, powers, and authority of a Member of Parliament. Was it fair then to talk of the votes of Members of the other House as founded in perjury? A noble Lord who had spoken early in the debate, had declared that the decision of the majority of the other House was not satisfactory to the people. Was that right? And then again to talk of Roman Catholic Members of Parliament not being allowed to interfere in questions affecting the Established Church, he would ask, why call upon them to pay tithes, if they were to take no interest in the Church? The argument used by a right rev. Prelate, that the Church was increasing, because new churches had been built, and others repaired, was most extraordinary, because all knew that when architects were sent out, they would be sure to find something to do. No one but the right rev. Prelate would have taken such an architectural view of the subject. The right rev. Prelate also took a view of the question, in respect to the number of acres under tillage. But he thought that was a most clerical and Irish view of the question. He would not go into the question of appropriation, but merely add, that if they wished to make the Irish Church efficient, they must make its duties commensurate with the revenues it received.

The Archbishop of *Armagh* protested against the measure, which, professing to be a measure for the settlement of the Church, provided for the transfer of the property of the Church to other uses. It gave to the Privy Council the power of suppressing parishes by uniting them to others. The surplus revenues were to be employed, not for the uses of the Church, but to provide that education for the people which the State was bound to provide; an education, moreover, conducted on principles in which the Clergy could neither participate in nor sanction. He could not do otherwise than express the strongest condemnation of the measure.

The Committee divided on the original motion: Contents 47; Not-contents 138—Majority 91.

Amendment carried.

On the 77th Clause the Committee again divided: Contents 47; Not-contents 135—Majority 88.

List of the CONTENTS.

DUKES.
Argyll
Grafton
Leinster
Sutherland.
MARQUESSES.
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Conyngham
Headfort
Lansdowne
Queensberry
Tavistock
Westminster.
EARLS.
Albemarle
Burlington
Carlisle
Charlemont
Craven
Granville
Ilchester
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Minto
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Sefton.
VISCOUNTS.
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Torrington.
BARONS.
Cottingham
Dinorben
Ducie
Duncannon
Foley
Gardner
Glenlyon
Hatherton
Holland
Langdale
Mostyn
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Saye and Sele
Seaford
Seagrave
Strafford
Suffield
Templemore
Thanet.
BISHOPS.
Bristol.
Durham

The Dukes of Norfolk, Devonshire, and Cleveland, together with 32 other Peers, paired off.

Clause rejected.

The remaining clauses of the Bill were disposed of; the House resumed; the report to be received.

* * *

HOUSE OF COMMONS,

Monday, July 25, 1836.

MINUTES.] Bills. Read a third time:—Postage on Newspapers; Court of Exchequer (Scotland); Land Ta Commissioners Names.—Read a second time:—Cape o Good Hope Offences; Sunk Island Road.

Petitions presented. By Mr. LAW HODGES, from the Protestant Dissenters of Chatham and Godalming, for th Abolition of Church Rates.—By Mr. ARTHUR CHICHESTER from the Natives of Wales in or near London, agains Established Church Bill.—By Lord FRANCIS EGERTO and Sir R. INGLIS, from the Dignitaries of Chris Church, Oxford, against the Church Bill.

TRINITY HARBOUR BILL.] Sir Andrew Leith Hay presented a petition, signed b the merchants and inhabitants of the cit of Edinburgh, in favour of the Trinit Harbour Bill. The hon. Member move the second reading of the Bill, into th merits of which he had no occasion t enter, as the subject had been before ampl discussed.

The *Lord Advocate* presented tw petitions from the Dock Commissioners o Leith, and individuals in Edinburg against the Bill. He (the Lord Advocate) would take that opportunity of stating his reasons for opposing the second reading of the Bill. During the former session of Parliament, when the Bill was before the House, it was opposed on the ground that the parties had no right to make a harbour on the ground of the town of Edinburgh. The objection then was, that no judgment had been passed in the Court of Session of Scotland. During the present session, and while the Bill was before the Lords, the decision of the Court of Session was given, from which it appeared "that Mr. Alexander Scott had been prohibited from unloading goods, or making a dock for their reception within the bounds prescribed; and further, that he was restricted from building or erecting a harbour or dock, or performing any other work that could be construed into an encroachment on vested rights of the corporation of the City of Edinburgh." The question they had to consider was, would the House, under the circumstances, consent to the passing of a Bill for making a harbour within a harbour? He was of opinion that they would not; for it was clearly an encroachment on the rights of property, and no case had been made by the promoters of the Bill, in the present instance, to entitle the House to interfere with the property of the city of Edinburgh and in almost direct opposition to a decision of a court of law. He (the Lord Advocate) should be very sorry to be instrumental in the making of this harbour, after a report made to the House for improving the harbour of Leith, and he therefore thought it would be the grossest injustice to allow the Bill to pass. The promoters of the Bill had no right to make a harbour where it was proposed to do so, and that with the prospect of a better harbour being made. He believed there was no instance on record of any Bill being carried through the House in the manner this had been. It was opposed by the town of Edinburgh, the town of Leith, the Dock Commissioners, and the decision of a court of law, and under those circumstances he would move that it be read a second time that day six months.

Mr. *Wilks* would take the liberty of tating, that in the whole course of his parliamentary experience he never witnessed a more extraordinary opposition than this Bill had received, and he hoped that House would not sanction such an inconvenience and injustice as the rejection of this Bill would inflict on the promoters of it. He maintained, that the decision of the Court of Session did not at all bear out the claim of the Corporation of the city of Edinburgh, it merely went the length of saying that they were entitled to harbour dues, which were never refused by Mr. Scott. He was therefore fully satisfied that the House would allow the second reading.

Mr. *Pringle* would defy the annals of Parliament to furnish a case similar to that with which it was sought to carry this Bill; and he had no hesitation in saying, that in Edinburgh it would be hailed with satisfaction to learn that this Bill had been thrown out. Various means had been resorted to, to prejudice the minds of hon. Members in reference to this Bill, and he held in his hand a paper which had been circulated, and to a few passages of which he requested to call the attention of the hon. and gallant Member opposite, in order to ascertain what he meant.

Sir *Andrew Leith Hay* was not to be held answerable for any Bill or paper that might be circulated.

Mr. *Pringle* complained of the unjustifiable opposition that was offered to this Bill, and contained statements that were evidently intended to prejudice people's minds out of doors. Among the many objections to this measure was one, that the forms of the House had not been complied with, and he considered that well-founded. He would not, therefore, trouble the House further than by stating, that the Bill was not in a fit state to be carried, and that the decision of the court of law was a strong barrier against it. There was no fear but that the other harbour would be improved so as to afford every accommodation to the commercial and shipping interests, and with this prospect before them he hoped the House would not proceed further with this bungling Bill.

House divided on the original motion, Ayes 64; Noes 19—Majority 45.

Sir *Andrew Leith Hay* protested against the opposition given to this Bill, which was intended to promote delay, and to prevent it from being sent to the House of Lords, with any reasonable expectation of its passing this session. He should therefore move the suspension of the standing orders, and that the Bill be sent before the Committee this day.

Sir *George Clerk* said, that the motion before the House was required to complete the irregularities attendant on this Bill. It would be the greatest possible inustice if the motion were to be complied with; for he had a petition, from certain individuals whose interests were so affected by it, to present against the Bill, praying to be heard by counsel, and how could that be done if it were to be committed to-day? He challenged the hon. Member to produce any one instance where a contested Bill was allowed to go through the House with the rapidity of this Bill. He therefore thought, before such an infringement was made on the property of individuals, that they should, at least, have the opportunity of defending their rights; and to enable them to do so, the House should postpone the Bill going into Committee until the usual time.

The *Speaker*: Does the hon. and gallant Member mean to ask for the suspension of the Standing Orders; and further, that a Committee on this (a private Bill) shall sit this day, during the sitting of the House? I apprehend there can be no doubt that that must be the effect of his motion; and if it be the pleasure of the House to accede to it, we shall adopt a practice which is certainly very unusual, to say the least of it.

Sir *A. Leith Hay* saw the force of the right hon. the Speaker's remark, and would beg leave to withdraw his motion. He moved that the Bill be committed the next day.

The *Lord Advocate* opposed the motion, and deprecated agreement to it without a precedent being produced.

Mr. *Wilks* said, as the House had agreed to the second reading, and as the object of the opposing parties evidently was delay, he thought the House would not vitiate their own proceedings by rejecting the motion before them. He hoped the House would make an order for the Committee.

Mr. *Pringle* said, this was the first case where the Standing Orders were moved to be suspended in the case of an opposed private Bill. He thought it rather strange, that the promoters of it should be allowed to proceed in so irregular a manner.

The House divided: Ayes 76; Noes 26: Majority 50.

SIR CHARLES BURRELL.] Mr. *Benett* requested the patience of hon. Members on a matter relating to his personal character; which, though not of any importance to the House, was of some consequence to the ends of justice. He had been informed by letters from his friends, as well as by reports in the newspapers, that while he was absent attending the assizes, and upon other business, Mr. Nicholas Wilcox Cundy had been brought to the Bar. There he underwent a long examination, and made certain answers to questions put by the Speaker and by other Members. He held those answers in his hand, and he begged the House to allow him briefly to go over them, that he might show how incorrect and void of truth some of them were. If he did not take this course, he knew not how he could do more than repeat what he had strongly stated in his letter to Sir Charles Burrell. Mr. Cundy had been asked, whether he had solicited the attendance of any Member on the third reading of the Brighton Railway Bill, and had replied in the negative; when the fact was, that he had called upon him (Mr. Benett) and solicited his attendance. No such conversation took place, as had been mentioned by Mr. Cundy, on the South-western Railroad; but he had canvassed him (Mr. Benett) to be in his place, and informed him of reports of which he (Mr. Benett) was until then ignorant; and the conversation was commenced by Mr. Cundy. He declared most solemnly, that he had never heard any reports respecting the compensation to be given to landowners on the Brighton Railroad; and that he never asked Mr. Cundy any questions regarding them. Mr. Cundy had never spoken of compensation for "navigation;" but had said, that for about six acres of land, Sir Charles Burrell was to receive 15,000*l.* This sum, he asserted, was to be given as a bribe to induce him to support Stephenson's line; which he had done accordingly with the utmost zeal. In his examination at the Bar, Mr. Cundy had introduced the name of the Duke of Norfolk; but he had not heard Mr. Cundy speak of that nobleman, and did not know that he had the slightest interest in the question: not one word on the subject had passed between him and Mr. Cundy. On the point of tampering with the Committee, Mr. Cundy distinctly stated, that the majority had been obtained by tampering; and added, that the chairman of the Committee was a most partial person, because he was connected with the Duke of Richmond, whose interest it was, that Stephenson's line should be adopted. In consequence of what Mr. Cundy had asserted, he (Mr. Benett) had asked Sir Charles Burrell whether he was to receive any and what compensation; and Sir Charles had informed him, that he was to be paid for a few acres of land, but that he did not know the sum; and that his remuneration would not altogether amount to 3,000*l.* On the morning after he had seen Sir Charles Burrell in the lobby of the House of Lords, Mr. Cundy called again upon him (Mr. Benett), when he said that, as what he (Mr. Cundy) had told him respecting Sir Charles Burrell was not true, he would have no farther conversation with him. Mr. Cundy entreated him to hear what he had to say. He had answered, that he had heard that he (Mr. Cundy) had denied to Sir C. Burrell in the lobby of the House of Lords, what he had stated to him (Mr. Benett). Mr. Cundy's reply was, "I did not deny it—I avowed my belief in the truth of it;" and from thence he went over the circumstances, the principal of which was, that Sir Charles Burrell was to receive 15,000*l.*, another landowner 20,000*l.*, and two others 8,000*l.* each. "The whole of this," he said, "is true; but the case will come before the Committee of the House of Peers, where it will be investigated, and there justice will be done." He (Mr. Benett) most positively and solemnly asserted that these were the words used by Mr. Cundy. Other things in the evidence of Mr. Cundy were contrary to the fact, but it was not necessary to advert to them; and he could assure the House, that instead of overstating the case in his letter to Sir Charles Burrell, he had understated it, and nothing on earth should ever induce him to overstate. He did not at any time wish to bring an individual to the Bar of the House, for words spoken of himself; it was a tribunal of which, however powerful, he did not approve; and he wanted nothing upon the present occasion but to show the House and the country that he had not misrepresented Mr. Cundy. He had been exceedingly cautious to understate the case to Sir Charles Burrell, and did not mention any persons but himself. If the report had gone no farther than this House, he should not have thought it necessary to detain hon. Members upon a merely personal matter, for he was sure that not one of those who surrounded him would think him capable of misrepresenting. Neither did he think that where Mr. Cundy was known, his assertions would have much weight. He had considered it his duty to make this statement as early as possible, since it had gone out to the country that he had overstated the case against Mr. Cundy; and where his character was not known, it might possibly suffer, even from the evidence of a man who had imprisonment before his eyes, if he did not contradict that with which he was charged. He might regret, that as Mr. Cundy's evidence was on the Journals, his (Mr. Benett's) refutation would not also be recorded there; but he did not wish again to have Mr. Cundy at the Bar, or subjected to punishment for what he had said of him.

Sir *Charles Burrell* adverted to a petition in the hands of a Member affecting his reputation, and expressed his readiness at the present moment to meet any charge it contained. He was sorry that the subject could not now be regularly brought before the House.

Lord *George Lennox*, having been alluded to by the hon. Member for Wilts, was anxious to say only a few words. He understood that hon. Gentleman to say, that Mr. Cundy had charged him with partiality as Chairman of the Committee, having been influenced by his brother. His purpose in rising was, not to vindicate himself, but the Duke of Richmond, who was absent. He assured the House, upon his honour and word, that he had never directly or indirectly had any communication with his brother until long after the Bill was in Committee, excepting on one occasion. Mr. Clerk, an attorney at Brighton, had called at Goodwood, thinking to find him (Lord George Lennox) while he was abroad. His brother had written to him, stating that Mr. Clark wished him to bring in the Bill, and desiring him to be cautious how he pledged himself to support the measure. After the Bill had been before the Committee a fortnight, the agents wished him (Lord George Lennox) to ask the Duke of Richmond to undertake the care of it in the House of Lords. He had, therefore, written to the Duke of Richmond, and his answer was, that he would not pledge himself, as he was not at that time convinced which line would be best for the interests of the county of Sussex. It was not until the evidence had been printed and published that he had given his assent. He (Lord George Lennox) firmly believed that Stephenson's line did not go within twenty miles of any of the Duke of Richmond's property. As to himself, he left his conduct to the Committee. The hon. Member for Surrey, who had opposed the line adopted, had moved a vote of thanks for his impartiality in the chair, and he was proud to say, that during a very full attendance, it had been carried unanimously.

Subject dropped.

Established Church Bill.] Lord *John Russell* moved the Order of the Day for the adjourned debate on the Established Church Bill. The noble Lord said, although I shall not attempt to take this opportunity of speaking to the subject of this Bill, unless, perhaps, in case certain facts are stated which require explanation, and when I hope I may be allowed the indulgence of the House in giving an explanation of them, I do think that it will be for the convenience of the House, as well as it is the duty of the Government, to give some intimation of the course which is intended to be pursued with respect to the Bill on which I have moved the Order of the Day for resuming the adjourned debate; and with respect to the other Bills relating to Church matters before the House. It is my intention with respect to the Bill relating to the Established Church and the division of sees, to move the third reading to-night. As I have said, I will not now enter into a debate on this question, but merely take occasion to repeat what I have often said before, and what, I regret to say, has not made such an impression as so notorious a fact was calculated to do, namely that this Bill does not increase the number of Bishops, but retains the same number exactly as there was before its introduction. With respect to the Ecclesiastical Duties and Revenues Bill, which relates to the deans and chapters, and the distribution of a great part of their revenues to the cure of souls in populous parishes and districts, there has been, I am sorry to say, so much opposition raised to this Bill, that, at the present advanced period of the Session, I do not feel confident that I should successfully carry it through the House; and when I say, that I do not mean to imply that if I pressed it I should not have a majority of this House to support me; I certainly do mean to say, that there is, from various quarters, so much opposition made to the Bill, that undoubtedly, at this advanced period of the Session, we should be compelled to sacrifice a large portion of time in order to succeed in getting it through Parliament. That opposition has arisen from different quarters; one of the quarters whence it has arisen is those from some of whom the noble Lord opposite (Lord F. Egerton) has presented a petition this evening. This petition follows up a former petition, in which complaint was made of the provisions of that Bill in no very measured terms. And the present petition prayed, without going into any discussion of the present provisions of the Bill, to postpone its consideration for another Session. In treating of that Bill, I must say, that I cannot consent to postpone it without stating, that I do not attach weight to the statements made in the former petition, nor the principles on which it was founded. The statement there made is this—that there are certain rights of patronage which they consider the same as a vested interest in other property, and that Parliament ought not to interfere with them. This is in many respects a new claim. I do not remember when one similar to it was made; I am sure it has been very often the practice of Parliament to deal with patronage, to make a different distribution of offices, and to deprive persons and bodies of patronage which they otherwise would have enjoyed, without making any compensation, or having their right to deal with such matters questioned. But besides the unsoundness of the principle thus laid down, I do not think it was altogether gracious on the part of these dignitaries to lay before the House such a ground of opposition to a measure of this nature. It has been the consequence—it will be the consequence—of the measures taken for the Reform of the Church, that a very considerable degree of patronage must be sacrificed by the Crown, not only with respect to prebendaries and sinecure preferments, but also with respect to the patronage which resulted from the inequality o the bishoprics, and which made the patronage of the Crown more valuable than i will be for the future. There has not bee on the part of the Crown any, the least reluctance to make whatever sacrifices wer considered advantageous to the Church, o likely to render it more efficient and mor grateful and acceptable to the people a large. With respect to the patronage enjoyed by the Bishops, I must remind th House of what has been a good deal ove looked, namely, that they have given u some most valuable patronage which w in their gift, and relinquished their rig to nominate to certain prebendaries and preferments for the purpose of placing at the disposal of Government funds which might be better applied for contributing to the efficiency of the Church. I may mention one instance on authority which cannot be doubted. The Bishop of London alone has preferments in the cathedral of St. Paul's, and sinecure preferments, to the amount of 10,000*l.*, the whole of which he has expressed his willingness to relinquish. I say, then, that such being the disposition on the part of the Crown—such being the disposition on the part of the Bishops—I do think that those prefer the accomplishment of their object to the advancement of the general good of the Church who interpose the objection of a vested right in patronage in the way of a measure of Church Reform. Sir, there is another opposition to this Bill, which comes from a very different quarter, and which is in the spirit of the petition which has just been presented by the hon. Member for Manchester. It is an opposition grounded on the opinion that these reforms are not of the kind or extent of reform which ought to take place, and more especially on a decidedly strong feeling evinced by a great portion of the Dissenters, that some step should be taken for making the funds which may accrue from the abolition of sinecure preferments supply the place of Church-rates. Sir, as I stated that I do not agree to the opinions expressed by the deans and chapters, or of those who signed the petition on their part, so likewise I must say that I do not agree in the views stated by the latter class to whom I have alluded. It is not, in my opinion, possible for Parliament in the next or any other Session of Parliament to find in those performents funds sufficient to replace Church-rates. It is my opinion that the wants of the Church are such, that supposing the House to say it is better that these wants should be attended to in the first place, and the service of the cathedrals altogether neglected—even in that case the wants of the Church with regard to the populous districts are such, as to disable Parliament from making any portion of its revenues a substitution for Church-rates. Sir, that being my opinion, the only ground on which I can consent to the postponement of this Bill, and that with respect to the discipline of the Church ,is, that, instead of now meeting with general concurrence and approbation with which, I must say, this plan of reform was received when proposed by me on a former occasion, and when it met with such general support—in which the hon. Member for Middlesex and my hon. Friend the Member for the Tower Hamlets joined—that an hon. Member on the opposite side of the House got up and declared he wished to say nothing which would disturb the unanimity which prevailed in the House—I say, therefore, that instead of the general approbation and concurrence which were then expressed, it has appeared, on farther inquiry, that those who agreed in that opinion have considered these Bills to be liable to great objection, and to require much farther investigation. I certainly am of opinion, much as I regret that I should have occasion to express it, that it is not desirable, at this very late period of the Session, to enter into a discussion which would give rise to considerable delay and opposition, and that we shall be enabled to come to a more unanimous decision on these questions, by the postponement of them, than we should do by forcing them on the consideration of Parliament. Sir, allow me to say, likewise, that although I do not consider the payment of Church-rates any sufficient ground for the postponement of this measure on the plea which has been urged—that cathedral property may enable us to find a substitute for them—yet I must say, that the object which we have looked forward to from the beginning of the session—the settlement, at the present time, of the whole of these questions, will not be perfectly attained until that question of Church-rates is disposed of. Sir, it was my opinion, and I belive I may say it was the opinion of my colleagues, at the commencement of this session, that we might, if we had sufficient time, put an end to most of those questions which have been the cause of difference, and vexation, and hostility, which ought not to prevail between the Established Church and the Dissenters, as well as the lay members of the Church itself in this country. One question, for instance, with respect to which the Dissenters felt themselves aggrieved, is the imperfection of registry, and being obliged to conform to the rites of the Church of England with regard to marriage. We have brought in a measure to meet this evil, the result of which will be, to leave the Dissenters free and unfettered in the enjoyment of the same rights as those possessed by the members of the Church. As to another and a very great question (tithes), with respect to which the Bill which we brought forward has been returned from the House of Lords, there is no doubt that there did and does exist on that subject ground for frequent occasions of disgust and quarrel between the clergyman and his parishioners.—But, Sir, that Bill will, I hope, put an end to all occasion for quarrel. With regard to Church-rates, they have been the occasion of the most vexatious and harassing disputes in different parishes between the members of the Church and the Dissenters. With respect to these Bills now under the notice of the House, I am of opinion that they are calculated to remove many of those defects and abuses in the Establishment, which gave rise to much imputation against the members of the Church. I did certainly believe, that by submitting measures for the reform of the Church, in which the leading members of the Church itself were willing to abide by the decision of Parliament and the public opinion of the country, we should place the Church in a state of security which it has not hitherto enjoyed. In saying this, I do not mean to deny, that there may not hereafter be ground for introducing other changes and reforms—though for myself I do not see any reason for thinking such a proposition may be necessary; but I do say that the members of the Church now giving an earnest of their wish and intention to purify it from all defects, there will not hereafter occur any of those questions which are the most dangerous, and with respect to which a peremptory demand is made on the one side and a peremptory refusal given on the other. As soon as you get rid of that state of things, as soon as you bring the question to one of degree, from that moment you free the institution itself from danger, and you show it to be such an institution as that it rests on the good and sound opinion of the community. So likewise with respect to the Dissenters, I do not think that they will be ever contented unless placed in such a situation that they do not feel themselves harassed or aggrieved, or interfered with in their spiritual concerns by the Established Church. Now, our great object has been the reform and security of the Church, and the complete freedom and civil equality of the Dissenters. There is one other Bill which I shall mention. It has been brought from the House of Lords, and relates to residence and pluralities. I do not think there can be any objections to the details of the Bill. I hope it will be formed into a law during the present session. I have now concluded; and I shall only express a hope, that if there be any misunderstanding with respect to a measure of such importance, and on which so much excitement prevails, I shall be allowed an opportunity of correcting it.

Mr. *Hume* said, that having been personally alluded to by the noble Lord who had just sat down, he hoped to be allowed to offer a few words to the House. He had prepared a series of resolutions to move as an amendment upon the motion of the noble Lord, but as the noble Lord had intimated that it was not his intention this Session to press certain Bills he had mentioned, he (Mr. Hume) thought he should best consult the convenience of the House, as well as act most in accordance with the feelings of those around him, if he did not move those resolutions. The noble Lord, however, ought not to have been surprised at the opposition entertained by him (Mr. Hume) and others who thought with him to this Bill. The noble Lord had spoken of the necessity of providing for the wants of the Church, instead of applying certain revenues as a substitute for Church-rates. By the term "wants of the Church," did the noble Lord mean the providing for the inferior Clergy? If so, how could he reconcile to himself the justice of a measure which gave to twenty-six individuals 148,000*l.* per annum, while to 2,026 working Clergy only 141,000*l.* a year was allotted? Again, it appeared that five Bishop's sons, and sons-in-law, being ministers of the Church, would receive as much money annually as, under this Bill, was appropriated to 300 curates doing active duty. With provisions like these, the Bill, he contended, had no regard to the wants of the Church to which the noble Lord was so desirous to afford a supply. He wished to see every clergyman resident in his parish and maintained in it, at all events, with decency; and for this he did not believe any man, in or out of that House would refuse his sanction and support. But the noble Lord was most unreasonable in asking the House to concur in this most unequal, appropriation of the ecclesiastical revenues. He denied, that he had ever assented to the Bill; for, on the contrary, he never opened his mouth upon it until it was in Committee, when he asked the noble Lord to consent to postpone it. The noble Lord had no right to bind him for his silence when the subject was first mentioned, for at that time the reports which the House had a right to expect, and upon which only they ought to act, were not then nor now on the table. He had no wish to oppose his Majesty's Ministers, but this Bill was most inconsistent with the principles he had always advocated. The Bill was not consonant with those principles, inasmuch as it did not provide for the inferior clergy, and was silent on the subject of Church-rates. He did not wish to manifest any vexatious opposition, but still he should feel it his duty to take the sense of the House on the motion for the third reading of the Bill, in order to record his opposition to the measure. Even if the noble Lord introduced any modification in respect to the constitution of the Commissioners, or to lessen the amount to be paid the Bishops, still the Bill was one which ought not to receive legislative sanction. He repeated, that though he was determined to take the sense of the House on the third reading, he did not think it prudent or proper in him to move any amendment, for he had to consider the general policy of the Government, particularly with regard to Ireland, and whether that policy might not be endangered by his further opposition to this Bill, throwing that country into other and less friendly protection.

Mr. *Lennard* rose, principally for the purpose of expressing the satisfaction he felt at the announcement which had been made of the intention of his Majesty's Government to bring forward some measure of relief in regard to Church-rates. At the same time, the noble Lord having stated his apprehension that Church-property would not be applicable nor sufficient to the reducing, much less to the removal of those rates, he felt bound to say, that if upon inquiry it should turn out that there was not more than sufficient Church property in this country to satisfy the real wants of the Church, he perfectly concurred with the noble Lord, that we must look to some other source from which the Church-rates should be reduced, and thus relief be afforded to the Dissenters. But before arriving at that conviction, there must be a careful inquiry entered into as to the true amount of the property of the Church. At present, the only account we had was rendered by the members of that Church, and we had no means of judging of its correctness. He (Mr. Lennard) would therefore suggest to the House, whether it would not be advisable to follow, in this instance, the plan recommended by Lord Brougham in respect of charities, viz., the issuing of a commission, which should carefully investigate the value of Church property. That being done, the House would be enabled to judge correctly as to the sufficiency or insufficiency of that property to answer all the real wants of the Church. And if, as the noble Lord had stated, the latter should be found to be the case, the House would then look elsewhere for funds out of which to relieve the Dissenters, by reducing or removing the Church-rates. To show that the returns were erroneous, he need only mention, that the late holder of a Welsh see had left his family upwards of 100,000*l.*, though the revenues of the see were remarkably small. It was but justice to add, that those revenues depended on mines which at times were productive, but at other periods the reverse; but still it was essential that a correct average of the value of the see should be ascertained, in order to enable Parliament justly to legislate.

Mr. *A. Trevor*: Will the hon. Member for Maldon state to which of the Welsh bishops he referred as having left his family 400,000*l.*?

Mr. *Lennard*: I said 100,000*l.* I decline naming [loud cries of "*Name*" from the Opposition, answered by cries of "*No, no*" from the Ministerial benches].

Mr. *Chas. Buller*: I cannot help saying a few words, Sir, upon some remarks which were thrown out the other night, and upon the present occasion also, by the noble Lord, as to the stage at which the opposition to this Bill commenced. I agree with him, that that opposition should have commenced at an earlier period than it did. I think the attention of the public should have been called to the subject as soon as that Report was laid upon our table. But still, as great advantage has been attempted to be taken of the comparatively late stage at which (as the noble Lord says) our opposition to this Bill commenced, let the House know what opposition has been given to this Bill since it was brought in. On the second reading, an opposition to it had been announced by the motion of the hon. Member for Ashburton. In Committee a division actually took place on the question of the translation of bishops, and on the Report two divisions took place, one of very considerable importance; and I must say, that when the opposition to a Bill has been announced on the second reading, continued in Committee, and carried on to the Report, the noble Lord has no ground for charging us with unfairness in not announcing our opposition. Sir, I have taken a strong part against this Bill [" *Hear, hear,*" from the Chancellor of the Exchequer], which I do not regret, though I should be very sorry if, in doing so, I expressed myself in language too plain and severe. I have heard with great satisfaction the announcement of the noble Lord's intention to withdraw two of the Bills forming part of the proposed Church reform, and I only regret the noble Lord has not included in his withdrawal the remaining two Bills. It does appear to me, that the noble Lord puts himself in a worse position by withdrawing two, than he would be in if he persisted in carrying through all. There might be some reason in going on with this Bill when it was part of a general measure of Church reform; but now, when the two other Bills are withdrawn, by insisting upon the Bill before us, and the Pluralities Bill, the Government will lay themselves open to the imputation of proposing a really inefficient measure of reform, especially when it is seen that all that this Bill does is to chop and change in some degree the incomes of the bishops, but by no means to equalise the stipends of the dignitaries of the Church. Sir, the grounds on which I oppose this Bill are, first, because I believe it to be most inefficient as a measure of Church reform. Nor am I satisfied with the reason which the noble Lord suggests for going on with it, viz., that it involves the concession of a most important principle, that Parliament has a right to deal with, and legislate for, Church property; for I consider it a most monstrous and atrocious presumption, on the part of the Church, to imagine for a moment that Parliament has not that right. But still farther, I believe that this Bill, if carried into a law, will not only be utterly inefficient as a measure of Church reform, but that it will work positive mischief. This Bill establishes a permanent Commission for the purpose of carrying its provisions into effect. I before expressed my opinion, that it is a very bad precedent to establish—the delegating the power of legislation to a Commission. But that is not my only objection. I object to the entrusting such great powers as are conferred by this Bill to a permanent Commission not responsible to Parliament like his Majesty's Ministers; but more especially do I object to that Commission, as being composed of persons who have been the most consistent opponents of all liberal government. If a Commission was necessary and advisable at all, surely Ministers might have placed among its members men who had the confidence of the House of Commons and of the country, as well as of the Church, or at least men whose names and popularity would have been a safeguard against the pursuit of a course of conduct opposed to liberal principles. Sir, I am glad my hon. Friend has announced his intention of dividing against this Bill on the third reading, and that he will not press his opposition further. What I wish to show to the country is, that we have carried our opposition as far as we properly could (though, I admit, that it should have been commenced earlier). I am sorry that his Majesty's Ministers have taken ill the expression of sentiment on this side of the House. I myself certainly have declared those sentiments very plainly, and without, I acknowledge, mincing the matter—as perhaps is decorous in such cases; but it seems to me that it does good sometimes, more particularly for that party to which I belong, to express their opinions loudly and explicitly. Having no opportunity of expressing those opinions except in this House, I think it is necessary that when they do come forward they should speak out in terms which cannot be misunderstood. I should be extremely sorry if any opposition which I and those who think with me, may feel called upon to give to this Bill, should prove detrimental to the stability of the Ministry or conduce to the success of their adversaries. I can only assure them, that no act on my part is dictated by hostility to them; and that if they were to bring forward a real and substantial measure of Church reform, based upon the principles upon which they took office, there would not be one of those who on the present occasion view their measure with distrust and dissatisfaction, who would not unite in giving them their most strenuous support.

Lord *J. Russell*, in allusion to a change in the constitution of the Commission, said, that it was intended to assimilate it to the Ecclesiastical Commission of Ireland, and render certain members removable by the King in Council.

Sir *R. Peel* said, that some intended modifications of the present Bill had been spoken of; and it was desirable, before they gave their consent to the third reading, that they should know what they were? Perhaps, as the noble Lord must have made up his mind on the subject, he would state them.

Lord *J. Russell* said, that the only alteration which he should propose was this—that whereas the Commission being composed of the Archbishop of Canterbury, the Archbishop of York, the Bishop of London, and certain others, he should propose that the two last-mentioned Bishops, and the three last-mentioned lay Commissioners, should be at all times removable by his Majesty in Council, by warrant under the sign manual. There was no other alteration intended.

Mr. *Estcourt* said, that before proceeding to the order of the day, he wished to take notice of some observations which had fallen from the noble Lord in reference to some parties who had petitioned the House that evening, through the noble Lord the Member for Lancashire (Lord F. Egerton), and other Members.—The noble Lord had been pleased to animadvert with some severity upon the conduct of those petitioners, as having been actuated by selfish and interested motives. Now the House not being in possession of the subject matter of those petitions: he (Mr. Estcourt) for one, not having seen them, and knowing nothing whatever of the parties,—it was too much for the noble Lord to assume that they had been influenced by unworthy motives in the course they had pursued: and he (Mr. Estcourt) had just as much right, in the absence of all information upon the subject, nay, more right, to assume that these individuals had been actuated by motives as honourable and patriotic as any which could influence the human mind.

The Order of the Day read.

The question was put, that the Bill be read a third time.

Mr. *A. Trevor* regretted being obliged to support any motion emanating from the hon. Member for Middlesex; but as he considered the Bill would have a very prejudicial effect upon the interests of his constituents, he felt he should not discharge his duty if he availed himself of the only alternative. He opposed the measure on the grounds that it was introduced without sufficient inquiry, and that, as well in principle as in details, it was likely to become a most dangerous and fatal precedent. He should, therefore, vote with the hon. Member for Middlesex; but it was not to be supposed that, because he did so, he concurred in any of the propositions that hon. Member or his party were likely to bring forward in respect to the Church.

Mr. *Ewart* observed, that if the hon. Member for Durham proposed in future to take up that course of politics which a sense of duty to his constituents was likely to dictate, it was more than possible he would often be found voting with his hon. Friend, the Member for Middlesex. The hon. Member, who was very indistinctly heard in the gallery, then proceeded to say, that it would be with something like regret he should record his vote in favour of the hon. Member for Middlesex's amendment. He had been hitherto a constant supporter of the Government, and he had hoped that nothing would occur to make him alter his opinion. He regarded the measure as a most clumsy piece of legislation in the first place, and in the second as a very unnecessary abandonment of principle on the part of Ministers. It professed to be a measure of equalization, but it was no such thing. All the gradations of episcopal income from 15,000*l.* to 5,000*l.* a year, were preserved, and the only alterations consisted in the arrangement and subdivision of the sees. To the proposed Commission he objected, on the ground that the controlling power over its proceedings was not vested in the people, through the responsible organs of the Government. He wished to see the Ministers take the question of Church reform into their own hands, instead of adopting the reforms suggested by their opponents. It was manifest that in the division about to take place there would be a great split in the hitherto compactly kept Ministerial ranks, but he trusted that it would merely extend to the present question, and that no permanent division of sentiment would from thence follow.

Dr. *Bowring* said, that he hoped the House would bear with him while he endeavoured shortly to express his opinions on the measure before it. But he was bound to state that his opinions were not likely to obtain the support and concurrence of those who thought that rich and gorgeous establishments were likely to advance the great interests of truth and Christianity. From his cradle he had been taught to believe that it was not worldly pomp and power—not the possession of inordinate opulence—but the quiet, unostentatious exercise of clerical duty that was most acceptable to the religious principle. From the costly and opulent establishment he turned to the Dissenting principle. The Dissenters asked for nothing from the State—nothing from the public purse. Were their children less carefully educated? Was there less of religious zeal or religious conduct among their professors? Indeed, his objection to the Bill went far beyond most of the objections that had been urged against it. He thought the Church of England did not answer the objects for which it was professed to be established. It was over-encumbered with wealth; its opulence was its bane; its enormous revenues were all barriers to its usefulness. It was in sad contrast to primitive Christianity. Of what was the Commission composed who were charged with the great duty of Church reform? Was it not of those most interested in Church abuses? Were not the changes in the episcopal system delivered over to the hierarchy of the archbishops and the bishops? The public eye had not been inattentive to the fact that the primary object of the bishops had been to provide for themselves—to set aside enormous and unnecessary revenues for their own good service. They had acted wisely in their generation. But there was another principle in the Bill which he could not sanction. The Church of England called itself the National Church; but in the nation immense numbers came not within its pale. Was that a reason they should be excluded? He thought not. Yet the Bill had a declaration that shut out every individual not a member of the Establishment from being a commissioner. This was not fair nor just. The Church was paid by all, and all had a right to inquire into its concerns. Opinion would never sanction the enormous appropriations which were made by this Bill. The right hon. Baronet, the Member for Tamworth, called them the necessary support of decent and decorous dignity. He saw in them nothing but the graspings of worldliness and antichristian rapacity. And why, again, were the elements of discord to be introduced into Manchester and Ripon? Did Manchester and Ripon desire to be favoured with bishops? Did the inhabitants believe that their presence would lead to religious peace and harmony? Far from it. On these and other grounds he was compelled, but with grief and pain, to vote against the third reading of the Bill. It was not in hostility to the Government, but in harmony with the principles he cherished and felt bound to maintain, that he was compelled to join in the opposition to its progress.

Mr. *Grote* wished to say a very few words respecting this Bill, before it reached its final stage; and as he entertained the far from gratifying conviction that those words, however few, would prove unacceptable to a set of Gentlemen for whom he entertained the very highest respect, it was almost unnecessary for him to observe that they would be expressed with much pain. Upon one point, however, which had been raised, he was fortunate in not being obliged to apologise. If any blame was attributable to any quarter for having deferred opposition until the Bill had reached its final stage, in that blame he did not participate. It so occurred that he had not been present at any of the previous stages upon which a discussion had arisen; and from all he heard of what had then taken place, he had laboured until very lately under the not unnatural conviction that any opposition he should attempt to give the measure, would only go forth as the record of his individual opinion. He had so little to approve of and so much to object to in the measure, that it was impossible for him to vote for the third reading. His principal objection to it was the one which had been already expressed—he meant the truly exorbitant and improper scale on which the episcopal income were to be measured. He looked upon the proposition of giving an income of 15,000*l.* a year to the Archbishop of Canterbury as one entirely indefensible on every ground. If he were prepared to say that the Archbishop of Canterbury ought to have an income of 15,000*l.* a year as remuneration for his services, he could not refuse a proposition for giving to the Premier, or Lord Chief Justice, an income of 30,000*l.* a year. Why, was it possible to conceive any set of duties which could be more easily or tranquilly performed, or which were more exempt from all those difficulties that required labour, assiduity, and talent to surmount them, than those allotted to the Archbishop of Canterbury? Hon. Gentlemen opposite might think differently; but he had expressed his firm belief, and he repeated the assertion, merely adding, that in making it he had no intention to speak disrespectfully, either of the individual who now filled the see of Canterbury, or of the duties attached to his position. In his humble opinion, the lowest of the scales proposed would suffice for the highest see named in the Bill; and that without incurring the smallest risk of throwing the episcopal department of the Church into the hands of unsuitable persons, the Government might convert the now proposed *minimum* into a *maximum* of remuneration, and thereupon preserving the proportions, form an excellent scale of income. Had it been found that, because of the diminished incomes, the poorer sees were occupied by an inferior class of men? He had never heard that such was the fact, and he, therefore, with the more confidence, recommended to the Government to reconsider this portion of the measure. Another ground of objection to the manner in which the episcopal incomes were fixed by the Bill originated in the comparison it was impossible not to draw between those incomes and the miserable stipends allotted to the working clergy. It was said 100*l.* or 150*l.* a year was a sufficient income for a curate. On what principle, then, could it be contended that the Archbishop of Canterbury, who, whether in regard to education, position in society, ability, or general usefulness, was not the superior of the humbler individual so remunerated, required to have an income of 15,000*l.*? The noble Lord (Lord J. Russell) had evinced great anxiety to prove that there was no surplus revenue in the case of the Established Church in England. Could it be expected that any Dissenter would believe that there was no surplus, when he found such a rate of income allotted to the bishops? Certainly he never would. He contended, that it strongly behoved the State to regulate the incomes of the ministers attached to the Established Church upon the principles of the utmost sobriety and moderation. Unless this point were attended to, those who derived no benefit from that Establishment never would, and, he would add, never ought, to be satisfied. But, in considering the income of the bishops, was the amount received in money to be alone considered? Was there not attached to each see a valuable mass of patronage, by which large additions were made to the incomes of the bishops? Coming from a Ministry, liberal in other respects, he must say, that it appeared to him to be a most defective measure, possessing no good quality that counterbalanced those which were objectionable. On the whole he should feel it his duty to vote with the hon. Member for Middlesex against the third reading of the Bill.

Mr. *Baines* maintained, that the provisions of the Bill were in many respects wholly inconsistent with its principles. The Commission which it proposed to establish would be worse than a revival of the Houses of Convocation: for its powers would be greater. For his own part he perfectly coincided with the monarch who said, that he thought the bishops and the clergy could in no way so effectually serve a state as by praying for it; and he was by no means desirous that they should be invested with temporal authority, and become legislators. He deprecated the ascendancy of the clergy in secular matters. Under the superintendence of the noble Lord at the head of the present Government the exercise of such power might be pure; but it might not be so under future Ministers. To clause 11 he especially objected; for he was desirous that the measure proposed by the Ecclesiastical Commission, before they assumed the character of laws, should be submitted to the consideration of the King in Council, and should afterwards receive the ratification of Parliament. At present there were three estates of the realm, King, Lords, and Commons. The Bill proposed the establishment of a fourth estate, a measure highly objectionable at present, and which might become very injurious in future. By the Bill the average income of a bishop would be rendered seventy-six times as great as the average income of a beneficed clergyman; and the income of the Archbishop of York would be two hundred and seventeen times as much as that of the greater number of his clergy. The complaints of the Dissenters of England and the Catholics of Ireland had at length been, to a certain degree, listened to in that House. With reference to the former, the Registration Bill had been passed. But how had it been treated in another place? Every one of its details had been objected to by the highest authorities in the Establishment. Ireland had asked 50,000*l.* from the surplus of Church revenue, to dedicate to the purposes of education and religious instruction. That, however, was grudged; while twenty-eight bishops shared among them no less than 150,000*l.* It did not appear to him to be at all necessary to press the Bill during the present Session. The beneficed clergy were sufficiently provided for, and could not be hurt by delay. A great error had gone abroad to the effect that the division on this Bill was intended to be injurious to the existing Administration. Nothing could be more groundless. Was it possible to suppose that there could be any wish on his side of the House to change an Administration under which the country was going on so prosperously, under which trade flourished, under which agriculture was in so satisfactory a state that the Committee had not been able to discover a sufficient quantity of evils to give them a decent pretence for making a Report? He should vote against the third reading of the Bill. Having done that, he should leave it in the hands of those by whom it had been introduced, and he hoped it would always be in such good hands.

Viscount *Howick* said, that with respect to the constitution of the Board of Commissioners, and the expectations mentioned by the hon. Member as to the possibility of a Laud arising to wield despotic power as head of the Church, and a Strafford as the head of the Government, he thought if the hon. Member looked at the power actually given to these Commissioners by the Bill, he would find that they had really no power independent of Parliament, no power beyond what might be necessary for arranging the practical details of the measures committed to their care, the limits of which were strictly defined by the Bill before them; so that no possible abuse could result from an opportunity of an arbitrary application of the principles it embodied. With respect to these powers, it might be asked, what was the necessity of leaving any thing to the discretion of the Commissioners? This was easily explained. The existing bishoprics were all held under the old distribution of sees, and it would be impossible to interfere with them in any new distribution of duties, revenues, and boundaries, with a due regard to all the interests concerned, without separate references and legislative proceedings—all which would lead to considerable delay and embarrassment, unless such a discretionary power was lodged in the hands of the Commissioners as the Bill specified. For instance, it was proposed to readjust the dioceses of Lincoln, Ely, and Peterborough. Without this power great delay, and indeed injustice, would accrue from separately dealing with each; but by the provisions of the 11th clause the Commissioners would be enabled to consider the wants and claims of each and all immediately, and provide for their rearrangement simultaneously and efficiently. The hon. Member for Leeds had besides what he termed his positive objections to the measure, some negative ones, which required a few words in reply. He had asserted that in this Bill certain measures which the country expected had not been introduced, and certain steps not taken for the better distribution of the church revenues, in which the interest of the bishops appeared to be primarily considered to the exclusion of the working clergy. The objection might have some force in it if the Government were about to add to the income of the Bishops. The Bill however did not add a farthing to their incomes; on the contrary, it went a great way to remedy the existing inequalities, and would nearly, if not entirely, put an end to the practice of translations, as well as the holding of sees *in commendam,* by way of additional incomes. In future it would be impossible for the bench of Bishops to share among them anything but their actual incomes. He concurred with the hon. Member for Weymouth that a greater amount of Church reform would be both desirable and useful; but it was also still more desirable to proceed with these reforms in agreement with the heads of the Church, who were at present not disposed to go further, but who, he hoped, when they saw how well the proposed reform worked, would be prepared to go further with them, and accede to any useful step in their labours for the provision of the religion they had all so much at heart. Another objection was taken to the apparent inequality which the Bill allowed to continue in the incomes of various bishoprics. This, however, was more nominal than real. Some sees required greater provision than others. If the bishopric of Durham, for instance, were placed on an equality with the bishopric of Chichester there would be a decided injustice done to the former, which was much larger, required greater exertion and, being at a greater distance from London, was a more extensive bishopric; whereas the Bishop of Chichester resided in a diocese so near the metropolis that he was able to come up and attend his Parliamentary duty and go back again to Chichester. Looking to the provisions of the Bill, and the circumstances under which it was proposed and presented to the House, he was at a loss to account for the acrimony that had been displayed by certain hon. Members, but which he hoped had now gone by. The House had full notice and experience of its provisions, and could not complain of being taken by surprise. They had no less than four divisions on its principles and details—1st, when the hon. Member for Ashburton moved, on its introduction, an address to the Crown to put an end to translation, which proposition was negatived by a majority of 124 to 44. Next, in Committee a division took place which showed a majority of 79 for the Bill over 21. On a third division there appeared in its favour 86 to 8; and on the last, which took place on the motion for the amendment of a clause by the hon. Member for Liskeard, there appeared a similar majority of 80 to 44. He therefore felt that Ministers would only be acting consistently in persevering in the support of a Bill already so fully discussed and so thoroughly understood on previous occasions.

Mr. *Brotherton* said, that the chief point left unsettled by the Bill, although of greatest importance, was that of Church-rates. The Ministers seemed themselves fully to feel, that this was the case; and one of their arguments for the passing of the Bill was, that so much of Church affairs might be settled, and a way prepared, that Church-rates might be taken off, as a continuation of the measures of Reform, if possible. His objection, however, to the passing of this Bill at present was, that there might, thereby, be time allowed for the preparation of a complete measure, and in order that Church-rates might be abolished at the same time that the incomes of the clergy were regulated. ndeed, if Church-rates were abolished in he first instance, he should confess, that fterwards he should not feel any great nxiety respecting the secondary objects provided for in the present Bill; and, if he noble Lord would give his word to bolish Church-rates next Session, his opposition to the present measure would e very considerably diminished. The oble Lord had spoken of the necessity f paying the Church-rates out of the Consolidated Fund, if their present source were relinquished, but the Dissenter of Yorkshire would never consent to that. It would be entailing the burthen in a new, and, perhaps, a more severe shape. He could not believe, that a people who said, that their religion and their Church was the best in the world, would allow that Church to want if left to itself. It was not so in the olden time in England, when an appeal to the charitable feelings of the people was always sure to bring an abundant supply to the wants of the Church and its ministers. He felt convinced, that so long as true religion existed in the land, the Church would never be suffered to want for proper support. There ought not to be any compulsory assessment in the Church of England. It was a disgrace to a Christian Church. Even the Jews of old did not resort to such a system of oppression towards the Gentile populations they ruled over. At the same time, he did not wish to be understood as advocating a separation between Church and State. That was another question; but he thought the Church of England well able to support itself, and the people need not be taxed for that object. Where one thing connected with the Church was obtained by compulsory assessments, a hundred would be obtained by voluntary contributions. In proof of this statement he would instance the case of the erection of a church in the borough for which he was a Member (Salford), where there was only one church, supported by compulsory enactment, and 100 places of public worship supported by voluntary contributions. In Salford, too, a few years ago, a church which cost 10,000*l.* was erected by voluntary contributions, and it had now a large congregation and a handsome endowment. That proved abundantly that if people were sincere in their belief of any religious doctrine, they would spontaneously come forward and furnish the means of diffusing it.

Mr. *Harvey* found it difficult to reconcile the course which had been pursued by certain hon. Gentlemen that evening, with his recollection of what had occurred the last day the Bill was before the House. Either they were in error then, and acted upon over-heated feelings, or they were now pursuing a suspicious course. The Report made to his Majesty by the Church Commissioners was said to offer as large and comprehensive a system of reform as was practicable; and from the grave and protracted consideration which was given to that Report before the present measure was introduced, such might be supposed to have been the case. But certainly the fact was, that the Bill before the House was, as a measure of Church reform, utterly contemptible; and was so considered throughout the country. It would give great peace to his mind, and no doubt would afford much comfort and satisfaction to the country, to hear from any Member of the Cabinet that this was but an infant measure, or that it was the first and feeblest of a series of measures to be introduced for effecting a reform in the Church; but, unfortunately, it was presented to Parliament, and now urged upon the House, as a complete and perfect measure of Church reform. There were three classes of persons in this country who took widely different views of almost all questions relating to the Established Church; and to one of these classes, probably, the present Bill might be perfectly satisfactory, but the other two would regard it with the contempt it deserved. Little attempt, indeed, appeared to be made to defend the Bill upon its own merits; but they were told, "Oh! if you do not take this measure, trifling and insignificant though it be, contemptible and worthless as you may well think it, the present excellent Government will fall to pieces, and then what will happen to us?" This appeared to be almost the sole argument on which the House was asked to give its consent to the measure. But if on any occasion there happened to be a difference of opinion between the Government and some of its usual supporters, they were to be threatened with the retirement of the former; it was impossible to see where such a mode of argument would cease, or on what trifling and insignificant occasions it might be resorted to. It was not his intention to enter into an examination of the details of the Bill, but why, he would ask, as the principle of appropriation had been so stoutly and strongly contended for in the case of the Church in Ireland, why should not the same principle be insisted upon as respected the Church in England? To call this a measure of Church reform is an insult to the understanding of reasonable men, and, if it be carried it, will prove a grievous disappointment to the expectations of the people.

Dr. *Lushington* begged, when inconsistency was attributed to the hon. Gentlemen who expressed a strong dissent on Thursday last, but now intimated an intention of not opposing the Government, to appeal to the House and the public, whether, when a large body of men were united in opinion, that a Government should be supported with energy and effect, it was not often necessary, without abandoning any principle of their own, that they should agree not to press their particular opinions upon a particular subject in opposition to the Government with a feeling of bitter and unyielding opposition. But, of all quarters in the world, a charge of inconsistency came with least grace from the hon. Member for Southwark, since it must be in the recollection of every one whom he was addressing, that at a time when all parties in that House seemed disposed to unite to effect the pacification of Ireland, the hon. Member for Southwark was found to be a deserter from his ranks. He trusted that those who now supported the Government were more faithful to their principles, and that when they saw it necessary to surrender a portion of their sentiments for the sake of preserving the stability of the great principles they advocated, they would have the good sense to make the smaller sacrifice, rather than run the risk of one which must necessarily be much greater. He admitted that this Bill did not go to the full extent that he thought a measure of Church reform ought to go to; but, at the same time, he fully appreciated the difficulties by which any Government must be surrounded who sought to improve the ecclesiastical establishments of the country; and he trusted he should at all times be prepared to sacrifice his own individual opinions when he saw that they stood in the way of any advantage that might be conferred on the country. As regarded the question of Church-rates, he might observe that he had always been an advocate for the remission of them as regarded Dissenters; but because he found no clause for the remission of them in that Bill, it did not, therefore, follow that he should reject it altogether; at the same time, he sincerely trusted that early in the next Session of Parliament his Majesty's Government would see the propriety of introducing a measure to relieve the Dissenters from the payment of this most obnoxious burthen.

Mr. *Hutt* thought, that the Dissenters had good reason to complain that in the present Session, no steps were taken to relieve them from the burthens imposed on them by the Established Church, and he could not help taking this Bill as a declaration on the part of the Government that they had no intention to relieve the Dissenters from the payment of Church-rates. As an honest and conscientious man, he must refrain from giving his support to this Bill, unless there was a declaration on the part of the Government, that they were prepared to introduce next Session a measure to relieve Dissenters from Church-rates. If such a declaration were made, he would not oppose the third reading of this Bill.

Lord *John Russell* stated, that it was the intention of Government to bring forward a measure next Session for the abolition of Church-rates.

Mr. *Villiers* fully agreed in what had fallen from hon. Members, as to the extent of the evil occasioned by the question of Church-rates remaining unsettled, but he could not deny, that the present measure was an improvement upon the present arrangements of the Church Establishment. At the same time, he protested in the name of himself and many of his constituents, against its being considered a measure at all adequate to the evils which existed; and if he was not more anxious upon that account than he really felt, it was simply from reflecting upon the circumstances under which reform of the Church at all had been obtained. The Prelates, he knew, ould always have proposed a reform similar o the one they were now considering: Governments could always have instituted milar inquiries into the abuses of the hurch; but, interested as both were in he maintenance of those abuses, they ever did, nor never would voluntarily have romoted inquiry or reform. His satisfacion, then, was derived from reflecting that ublic opinion had rendered reform of the hurch irresistible, and he could not believe hat, if there was public spirit and good eeling sufficient in the country to call for he correction of these abuses, and under he more equal distribution of political ower which now existed, the means to mpel inquiry, the people would stop short demanding complete and effective reform. he evils and abuses connected with the hurch were well understood, and the peole had now to examine the remedies which ere proposed for their cure; and, certainly, the people did trace all the evil to the shops having too little—some too little revenue and some too little patronage —why, the measure before the House was the most complete and searching measure that could be proposed to it; but, on the other hand, if people thought that much of the evil sprang from the capricious and irregular distribution of the property of the Church—from the uncertain allotment of reward to merit, or of punishment for neglect—from the great temptations offered to political subserviency—why then he was afraid that this would not be regarded as a measure of that suitable or satisfactory character, which he hoped his Majesty's Ministers would have proposed if they had thought they could have carried it. He knew, that it was impossible to do every thing at once, and certainly nobody would charge this Bill with not giving that theory a fair trial. But the quarrel with this Bill, he thought, was as much in kind as in extent: he believed that the wishes of his constituents and of the public, were entirely misapprehended in considering that the Bishops had too little—that idea, he believed, never crossed their minds—they believed that the real source of the Bishops' influence ought to spring from the excellence of their lives —from a vigilant attention to their duties —from an active superintendence over their clergy—and a constant residence in their sees; and that their power in the country would be far greater, derived from such causes, than from great wealth, great station, and great political influence, which they now heard of, and were told, were so necessary for the maintenance of their credit in the country. If he understood the wishes of those who would reform the Church, it was to see an efficient parochial clergy distributed throughout the country, and adequately rewarded for the performance of duties properly defined; and if this could be obtained by no other means, why they would be glad to see devoted to such a purpose, some of the emoluments of those deaneries, canonries, and prebendaries, and other dignitaries, of which we read so much in the reports; whose duties he could not well understand, and whose importance appeared to him rather to refer to the adornment of cathedrals, than the promotion of religion. People would judge of institutions in these days by their utility, and if experience offers little in defence of those that were examined, while the circumstances of the country exhibited lamentable deficiencies in the accomplishment of their object, extensive reforms would be called for; and in this case, it would be found

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that the demands of the country were not unreasonable. People justly ask, if the cathedral towns were more moral or more religious than other places, and if it could not be discovered that they were, and if it were observed that the miserable pittance awarded to many of the working clergy would not enable then to perform their duties efficiently, why it was natural in reason that people should require that the revenues of the Church should be distributed and allotted, in a manner more likely to attain the end for which every Establishment existed. He objected to the Report, that no principle was laid down or asserted, on which (after regarding all existing interests) the revenues of the Church were to be applied. Now, when the Church had once recognised the right of the Legislature to deal with Church property, and they once began to distribute it, some rule ought to have been laid down. He wished that more stress had been laid upon placing the clergy than they had now, under circumstances where they could become more efficient. This it was, then, that made him declare, as he expected further reforms, that public opinion would not be satisfied until the Establishment was rendered suitable to the wants of an intelligent and religious community, such as we might boast in this country. In the full expectation, then, that this Bill would not be final, he should be glad to avoid adopting any course which would be likely to disturb that harmony among the liberal party, which had hitherto existed so much to the advantage of the country.

Mr. *Robert Palmer* wished to know if the whole episcopal property were to be thrown into one fund and parcelled out amongst the different Bishops?

Lord *John Russell* said, that the mode in which it was proposed to diminish or increase the emolument of any diocese was this:—Taking the Bishopric of Durham as an instance, under the provisions of this Bill, the income of that see was to be fixed at 8,000*l.* a year. Supposing it to be ascertained by the Commissioners, that the present income of the see of Durham was 19,000*l.*, the Commissioners would then be required to pay over 11,000*l.* from the income of that see, towards the increase of other bishoprics which had not the requisite sum.

Mr. *Robert Palmer* was satisfied with the answer; he only hoped, that whatever amount was to be transferred from one see to another, would be conveyed in real property, as he felt that the security to the Church would be very small, if the incomes of its chief dignitaries were made in any degree dependent upon a vote of that House.

Mr. *Hindley* said, that his only feeling with respect to the Bill was one of dissatisfaction.

The House divided: Ayes 175, Noes 44—Majority 131.

List of the AYES.

Adam, Sir Charles
Alford, Lord
Alsager, Captain
Angerstein, John
Arbuthnot, hon. H.
Ashley, Lord
Astley, Sir J. bt.
Bagshaw, John
Baldwin, Dr.
Ball, N.
Bannerman, Alex.
Barclay, David
Barclay, C.
Baring, F. T.
Barnard, E. G.
Beckett, Sir J.
Bellew, Rich. M.
Benett, J.
Berkeley, hon. C. C.
Bernal, Ralph
Blackburn, I.
Blamire, W.
Bonham, R. F.
Borthwick, Peter
Brabazon, Sir W.
Bramston, T. W.
Brownrigg, J. S.
Bruen, Col.
Buller, Sir J. B. Yarde
Bulwer, H. L.
Bulwer, E. G. E. L.
Burton, Henry
Campbell, Sir H.
Canning, Sir S.
Cave, R. O.
Cavendish, hon. C. C.
Chetwynd, W. F.
Chichester, J. P. B.
Churchill, Lord C. S.
Clerk, Sir G. bart.
Codrington, Sir E.
Corbett, T.
Cowper, hon. W. F.
Crawford, W.
Curteis, Edward B.
Dalmeny, Lord
Denison, W. J.
Dillwyn, L. W.
Donkin, Sir R.
Duffield, Thomas
Dundas, J. D.
East, James Buller
Egerton, Wm. Tatton
Egerton, Lord Fran.
Estcourt, Thos. G. B.
Etwall, R.
Fielden, W.
Fergusson, rt. hn. C.
Fitzroy, Lord C.
Folkes, Sir W.
Forster, C. S.
French, F.
Freshfield, J.
Gladstone, W. E.
Gordon, Robert
Gordon, hon. W.
Goring, Harry Dent
Goulburn, rt. hon. H.
Graham, Sir J.
Greisley, Sir R.
Grey, Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Gully, J.
Hale, Robert B.
Halford, H.
Harcourt, G.
Hardinge, Sir H.
Hardy, J.
Hastie, A.
Hay, Sir A. L.
Herries, rt. hon. J. C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hogg, James Weir
Horsman, E.
Hotham, Lord
Howard, R.
Howard, P. H.
Howick, Lord
Hoy, James Barlow
Jones, Theobald
Knightley, Sir C.
Labouchere, Henry
Law, hon. C. E.
Lawson, Andrew
Lees, J. F.
Lefevre, Charles S.
Lemon, Sir C.
Lennox, Lord J. G.
Loch, James
Long, Walter
Lowther, Lord
Lushington, Dr. S.
Lygon, hn. Col. H.
Mackenzie, J. A. S.

Macnamara, Major
M'Taggart, J.
Marjoribanks, S.
Maule, hon. Fox
Maxwell, John
Morpeth, Viscount
Murray, John Arch.
Nagle, Sir R.
Nicholl, Dr.
North, Frederick
O'Connell, D.
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Paget, Frederick
Palmer, Robert
Palmer, Geo.
Palmerston, Lord
Parker, M.
Parker, John
Peel, Sir R. bart.
Penruddock, J. H.
Perceval, Colonel
Pinney, William
Poulter, John Sayer
Praed, W. M.
Price, Sir Robert, bt.
Price, Richard
Pusey, Philip
Rice, rt. hon. T. S.
Richards, J.
Roche, W.
Rolfe, Sir R. M.
Ross, Charles
Russell, Lord John
Russell, Lord
Sanderson, R.
Sandon, Lord
Sanford, E. A.
Scott, Sir E. D.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Sheppard, T.
Smith, Robert V.
Steuart, R.
Stewart, John
Stewart, P. Maxwell
Stuart, Lord D.
Stuart, V.
Tancred, H. W.
Thomson, C. P.
Thompson, Ald.
Thompson, Colonel
Townley, R. G.
Tracey, Charles H.
Trench, Sir Fred.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Twiss, Horace
Tynte, C. J. K.
Vere, Sir C. B.
Verney, Sir H.
Walter, John
Welby, G. E.
Wood, Alderman
Wrightson, W.
Young, G. F.

TELLERS.

Stanley, E. J.
Wood, C.

List of the NOES.

Aglionby, H. A.
Attwood, Thomas
Bainbridge, E. T.
Baines, Edward
Beauclerk, Major
Bish, T.
Bowes, John
Bowring, Dr.
Bridgeman, H.
Brotherton, J.
Buckingham, J. S.
Buller, Charles
Clay, W.
Duncombe, T. S.
Elphinstone, H.
Evans, G.
Ewart, W.
Fielden, J.
Grote, G.
Harland, W. Charles
Harvey, D. W.
Hawes, Benjamin
Humphery, John
Hutt, W.
Inglis Sir R. H. bart.
Langton, Wm. Gore
Leader, J. T.
Lennard, T. B.
Lushington, Charles
Palmer, Gen. C.
Parrot, J.
Phillips, Mark
Potter, R.
Rippon, Cuthbert
Ruthven, Edward
Stuart, Lord J.
Thornley, T.
Tooke, William
Trevor, hon. A.
Tulk, Charles A.
Wakley, T.
Warburton, H.
Ward, Henry George
Williams, W.

TELLERS.

Hume, J.
Hindley, C.

Bill read a third time.

Mr. *Estcourt* said, that by the Bill it was proposed, that the Commissioners should make arrangements for carrying into execution the intention of the late Bishop of Durham, to augment the small livings of that diocese. The words of the Bill were, that out of the property of the see of Durham, provision should be made for the completion of the augmentation of the poorer benefices which the late Bishop of Durham had agreed to grant. Now, what he wished was, that the name of the Bishop should be introduced into the clause, in order that posterity might know who was the individual to whom the Act referred. He would, therefore, move, that the name of the right rev. William Van Mildert, be inserted in the clause.

Lord *John Russell* assented to the proposition, and suggested, that after the words "Bishop of Durham," the words, "meaning thereby the right rev. Bishop William Van Mildert" be inserted.

Words inserted.

On the question that the Bill do pass,

Sir *Robert Inglis* wished to state before the Bill was passed, that although he had voted differently from those with whom he was in the habit of acting, yet the reasons for which he had given that vote, were by no means those which had induced hon. Gentlemen on the other side of the House to vote in the same manner.

Mr. *Tooke* had given a very reluctant vote this evening. He had come down to the House with the intention of voting in favour of the Bill; but after hearing the declaration made by the noble Lord (Lord John Russell), that it was his intention to postpone any measure of relief during the present session with regard to Church-rates; and further, that when any measure on that subject should be brought forward, he (Lord John Russell) did not expect it would be satisfactory, he (Mr. Tooke) was at once determined upon the expediency of doing what he could towards postponing any measure of Church relief, in order that, at all events, the two measures of relief might go on, *pari passu,* and that all prospect of redress with respect to the Church-rates might not be cut off, by hermetically sealing up the revenues of the Church.

Mr. *Arthur Trevor* had voted against the Bill, but he wished to say, it was not from the same motives as the hon. Member for Middlesex and his supporters.

Mr. *Hume* wished to ask the noble Lord whether it was intended that the incomes of the Bishops should be limited to the sums now set down for them? Doubt had been expressed upon this point, and he wished that a proviso should be introduced, to the end that the incomes of the Bishops should not in any case exceed the sums stated in the Bill. If, for instance, the Archbishop of Canterbury derived 17,000*l.* a year, he would by this Bill have to pay back 2,000*l.* But if, in the course of years, the 15,000*l.* should be increased to 20,000*l.* or 25,000*l.* a year, it did not appear that he would not be entitled to retain the whole of it.

Lord *John Russell* said, that perhaps the best answer he could give to his hon. Friend was, by stating the contents of a letter which he had received from the Bishop of London upon the subject. The letter states, that in truth the Bishop of London, under the provisions of an Act of Parliament, received only one-third of the ground-rents of the estate to which allusion had been made on a former night; and that the leases now existing would not fall in, in less than fifty or sixty years. But that whatever the addition might be, it would not go to the Bishop, because the Bill provided, that the Commissioners should make new returns, and should from time to time make fresh arrangements, so that the amount fixed by the Bill should not be exceeded. This was the impression on the mind of the Bishop of London, and was also the impression on his own mind.

Mr. *Hume*: It might be the noble Lord's impression, but the Bill did not fix the amount permanently.

Bill passed.

Poole Corporation.] Mr. Poulter moved, that the House go into Committee on the Poole Corporation Bill.

Mr. *Mackworth Praed* opposed the Bill, as unprecedented and unprincipled; one of the law-advisers of the Crown (the Solicitor-General) had declared his opposition to the Bill, and he contended that it was most unjust, when affidavits containing important allegations in the matter had not yet been printed, for the House to go on with such a Bill, when information was thus withheld. He should move an amendment, That further proceedings in this Bill be postponed, in order to give time for the printing of affidavits referred to by the Committee as justifying their Report.

Mr. *Poulter* denied, that he ever promised to furnish the affidavits. There was no occasion for them. They were taken by the Committee only as *prima facie* evidence, and to show the manner in which the parties voted. To save the expense of bringing up eighty-eight witnesses the Committee took the affidavits at last, as they did at first, merely as *prima facie* evidence. The hon. and learned Gentleman seemed to have forgotten what happened since this subject was last before the House, namely—that the question was decided before a court of law, the judge having told the jury, after a short charge, that the case of the defendants had not a leg to stand upon. A verdict was given for the Crown in both cases. The whole question in fact to be determined was, whether eighty-eight was more or less than seventy-two. He was surprised the hon. and learned Gentleman should have put a notice upon the books, or stood upon his legs to defend such a case.

Mr. *Twiss* said, a printed paper had been put into his hands which represented what took place in Court in a manner very different to what was stated by the hon. Member for Shaftesbury.

The House divided on the original motion:—Ayes 129; Noes 57;—Majority 72.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Attwood, T.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Ball, N.
Bannerman, A.
Baring, F. T.
Bellew, R. M.
Benett, J.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Bish, T.
Blamire, W.
Bowes, J.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Burrell, Sir C.
Burton, H.
Chalmers, P.
Chetwynd, Captain
Chichester, J. P.
Churchill, Lord C.
Clay, W.
Codrington, Admiral
Dalmeny, Lord
Dennison, W. J.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, J. D.
Elphinston, H.
Etwall, R.
Evans, G.
Ewart, W.
Ferguson, Sir R.
Ferguson, R.
Fergusson, rt. hon. R. C.
Fielden, J.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Gordon, R.
Goring, H. D.
Grey, Sir G.
Grote, G.
Gulley, J.
Hall, B.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hume, J.
Hutt, W.
Labouchere, rt. hon. H.
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Loch, J.
Lynch, A. H.
Mackenzie, S.
M'Namara, Major
M'Taggart, J.
Marjoribanks, S.
Maule, hon. F.
Maxwell, J.
Murray, rt. hon. J. A.
O'Connell, J.

O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Paget, F.
Palmerston, Viscount
Parker, J.
Parrott, J.
Pattison, J.
Phillips, M.
Pinney, W.
Ponsonby, hon. W.
Potter, R.
Price, Sir R.
Pusey, P.
Rice, rt. hon. T. S.
Rippon, C.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Sanford, E. A.
Scott, Sir E. D.
Scrope, G. P.
Seale, Colonel
Smith, J. A.
Stanley, E. J.
Steuart, R.
Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Talbot, C. R.
Tancred, H. W.
Thomson, rt.hon.C.P.
Thompson, Alderman
Thornley, T.
Tooke, W.
Townley, R. G.
Troubridge, Sir E. T.
Tynte, C.J. K.
Villiers, C. P.
Wakley, T.
Wallace R.
Warburton, H.
Ward. H. G.
Wilbraham, G.
Williams, W.
Wrightson, W. B.
Young, G. F.

TELLERS.

Poulter, J. S.
Tulk, C. A.

List of the NOES.

Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Becket,right hon. SirJ.
Blackburne, I.
Bonham, R. F.
Bramston, T. W.
Brownrigg, S.
Bruen, Colonel
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Chandos, Marquess of
Clerk, Sir C.
Codrington, C. W.
Corbett, T. G.
Dowdswell, W.
Duffield, T.
East, J. B.
Estcourt, T.
Freshfield, J. W.
Gladstone, W. E.
Gordon, hon. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hamilton, Lord C.
Hardy, J.
Herries, rt. hon. J. C.
Hill, Lord A.
Hogg, J. W.
Hotham, Lord
Inglis, Sir R. H.
Jones, T.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, A.
Nicholl, Dr.
Palmer, R.
Palmer, G.
Parker, M.
Peel, right hon. Sir R.
Price, S. G.
Pringle, A.
Richards, R.
Ross, C.
Sandon, Lord
Sheppard, T.
Somerset, Lord G.
Stewart, J.
Trench, Sir F.
Trevor, hon. A.
Trevor, hon. G. R.
Vere, Sir C. B.
Walter, J.

TELLERS.

Praed, W. M.
Twiss, H.

Mr. *Praed* said, the hon. Member for Shaftesbury, had called the attention of the House to the trials which had taken place at the Dorchester Assizes: and though, in reference to his (Mr. Praed's) former amendment, perhaps the hon. Member was not quite in order in so doing, with respect to the motion which he (Mr. Praed) was now about to make, he conceived he was fully justified in adverting to those trials, and in founding his argument upon what there took place. He would shortly draw the attention of the House to the facts of the case. Informations were laid to try the right of two persons to sit and vote in the town-council of Poole; let it be remembered, that of the two wards into which the town of Poole was divided, each of them electing nine councillors, in the north ward, not one of these elections had as yet been disputed, either before the Committee or in Court at Dorchester; and of the nine elections for the south ward only two had been disputed at the late trial. It was true that in those two cases verdicts had been found for the prosecution, but several points of law had been taken by the defendant. Even admitting, however, that these points were finally resolved in favour of the prosecution, what then? The case stood thus:—In the north ward, the whole of the nine elections were admitted to be good—unimpeached before the Committee—undisputed at the trial—not disputed even by the hon. Member for Shaftesbury himself. In the south ward, out of nine elections, seven were admitted to be good—allowed to be so by all parties. And what did this Bill do? It was a Bill to set aside the elections for the sixteen councillors of the Borough of Poole! He (Mr. Praed) could see neither reason nor justice in such a measure, and he should feel it his duty to move, that it be an instruction to the Committee to leave undisturbed the elections of any persons which had not been impugned by legal proceedings. He only asked the House not to commit the gross injustice of ejecting persons from their offices, against whom there had not been made even an allegation of undue election.

The *Chancellor of the Exchequer* said, that the instruction moved by the hon. Member was not consonant with Parliamentary proceeding, or with the orders of that House. He objected to the course which the hon. and learned Member had adopted in his opposition to this Bill, for he conceived, by his own admission, that opposition was not upon a question of principle, but a question of time. The hon. Member wished, for the sake of obtaining time, to obstruct the House going into Committee upon the Bill, and as they had now got so far into the

Session as July, the hon. and learned Member speculated upon worrying the House into compliance. Let him go into the Committee, and he would prove to that hon. and learned member, that every provision of the Bill was consistent and just with its object and preamble. He insisted that this course was an unfair mode of opposing a Bill. If generally adopted it would give to every Member an opportunity of moving motions, by way of instruction, upon almost all the points which must necessarily be discussed in the Committee, and thus unnecessarily absorb the time of the House.

Mr. *Twiss* could not refrain from making the remark, that the heat and warmth which had been displayed in the speech of the right hon. Gentleman who had just spoken, justified the old adage, that "always the warmest in argument was most in the wrong." His hon. and learned Friend had been justified in the course he had taken, for a stage had been gained by the promoters of this Bill during the absence of his hon. and learned Friend. This case was one which overset all precedent, and he hoped would never be followed hereafter by any other hon. Member, as a precedent for a similar act of injustice. His hon. and learned Friend need no other apology for his stern opposition to this Bill than the avowal of the Solicitor-General in his place, that the enactment was fraught with gross injustice.

The *Speaker*: It is my opinion that instructions are not necessary, nor indeed consistent with the practice of the House, unless when they are required to enable the Committee to do something, which without an instruction they would not have the power of doing. And the question here is, whether or not supposing the House to go into Committee, the object of the hon. and learned Member for Yarmouth could be attained by an alteration in the Bill in Committee, without this instruction.

Mr. *Praed* said, he had often heard of instructions being moved when the subject matter of those instructions was considered of such importance as to deserve the separate consideration of the House before going into Committee, even though the Committee might be fully competent to make the proposd alteration without the instruction. If it were the opinion of the Chair, that his object could be attained in Committee he would not press the instruction.

The *Speaker:* Upon that I give no opinion; I only gave a definition of what I considered to be the object of an instruction.

Mr. *Praed:* Then, Sir, I must divide the House.

The House divided on the motion for an instruction:—Ayes 43; Noes 117:—Majority 74.

List of the AYES.

Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Beckett, rt. hon. Sir J.
Blackburne, I.
Bonham, R. F.
Bramston, T. W.
Brownrigg, S.
Buller, Sir J. Y.
Codrington, C. W.
Corbett, T. G.
Darlington, Earl of
Duffield, T.
East, J. B.
Ferguson, G.
Freshfield, J. W.
Gladstone, W. E.
Goulburn, rt. hon. H.
Hale, R. B.
Halford, H.
Hardy, J.
Herries, rt. hon. J. C.
Hogg, J. W.
Inglis, Sir R. H.
Jones, T.
Knightley, Sir C.
Law, hon. C. E.
Lincoln, Earl of
Lowther, Viscount
Palmer, G.
Parker, M.
Perceval, Colonel
Price, S. G.
Pringle A.
Richards, R.
Sandon, Lord
Sheppard, T.
Sibthorpe, Colonel
Trench, Sir R.
Trevor, hon. A.
Twiss, H.
Vere, Sir C. B.
Walter, J.

TELLERS.

Praed, M.
Trevor, R.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Attwood, T.
Bagshaw J.
Baines, E.
Baldwin, Dr.
Bellew, R. M.
Benett, J.
Berkeley, Hon. C.
Bernal, R.
Bewes, T.
Blamire, W.
Bowes, J.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Buckingham, J. S.
Burrell, Sir C.
Burton, H.
Callaghan, D.
Chalmers, P.
Chetwynd, Captain
Chichester, J. P. B.
Churchill, Lord C.
Dalmeny, Lord
Dillwyn, L. W.
Divett, E.
Donkin, Sir R .
Dundas, J. D.
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Ferguson, Sir R.
Ferguson, R.
Fergusson,rt.hon.R.C.
Fitzgibbon, hon. Col.
Fitzroy, Lord, C.
Gordon, R.
Goring, H. D.
Grey, Sir, G.
Grote, G.
Gully, J.
Hall, B.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hindley, C.
Hobhouse,rt.hon.SirJ.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hume, J.
Hutt, W.
Labouchere, rt.hon.H.
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.

Lennox, Lord G.
Lennox, Lord A.
Loch, J.
Lushington, C.
Lynch, A. H.
Mackenzie, S.
M'Namara, Major
M'Taggart, J.
Marjoribanks, S.
Maule, hon. F.
Moreton, hon. A. H.
Murray, right hon. J. A.
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Palmer, General
Palmerston, Lord
Parker, J.
Pattison, J.
Philips, M.
Pinney, W.
Ponsonby, hon. W.
Potter, R.
Pusey, P.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Sanford, E. A.
Scott, Sir E. D.
Scrope, G. P.
Seale, Colonel
Smith, J. A.
Stanley, E. J.
Stewart, R.
Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Talbot, C. R. M.
Tancred, H. W.
Thomson, rt. hon. C. P.
Thompson, Alderman
Thornley, T.
Tooke, W.
Townley, R. G.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. J. K.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Williams, W.
Young, G. F.

TELLERS,

Baring, —
Poulter, J. S.

The House went into Committee; Clause 1, agreed to. On Clause 2,

Mr. *Praed* said, that he had been charged by the right hon. Gentleman, the Chancellor of the Exchequer, with consuming the time of the House for the purpose of delay. He should, however, not be deterred by sneer, or taunt, or imputation, or by clamour, from pursuing the course which he thought it right to take. He now wished to move, as a proviso to be added to this clause, words to the effect, that supposing no final proceedings be had in any court of law setting aside the election by the end of twelve calendar months, all bonds and agreements entered into by the Corporation during the time they should have exercised *bona fide* the powers of a Corporation should be good and valid to all intents and purposes. He would not argue the question —it spoke for itself.

The *Chancellor of the Exchequer* would, in a few words, detail to the House the course which the hon. and learned Member for Yarmouth had taken upon this Bill; and he would leave the public to form their own judgment upon it. The hon. and learned Member said he only wished for fair play. That was all that he (the Chancellor of the Exchequer) desired. But what was the hon. and learned Member's definition of "fair play." First of all, he interposed an obstacle to the progress of the Bill upon the ground that certain affidavits were wanting. Why, if those affidavits were really necessary, had not the hon. and learned Member moved for their production within the last few months. Next, when defeated in his first attempt, the hon. and learned Gentleman moved his instruction obviously for the purpose of delay, and only with that object; for the instruction was quite unnecessary to the attainment of his end. He (the Chancellor of the Exchequer) thought he was justified in the observations he had before made upon the conduct of the hon. and learned Gentleman, and he repeated that the two divisions which had been already taken, and that which was about to be called for, were only for the purposes of delay. He was willing to leave the public to decide between the hon. and learned Gentleman and himself; and he would only put it to the House, and even to the hon. Gentleman himself, whether the kind of opposition which he had offered to the Bill, the getting up of unnecessary debates, the moving unnecessary amendments, the calling for repeated divisions, with continually decreasing minorities, and deserted by all those who would have given character to his proceedings [*loud cries of "Hear."*] He would put it to the hon. and learned Gentleman, the House, and the public, whether that was a fair and open course of dealing with any legislative measure whatever.

Sir *Robert Inglis* rose only to remark, that it was not fair, nor indeed, in his opinion, orderly, for the right hon. the Chancellor of the Exchequer to advert to the absence of certain hon. Members on his (Sir Robert Inglis's) side of the House, and draw from that circumstance inferences unfavourable to the hon. and learned Member for Yarmouth. Neither was it fair of the right hon. Gentleman, after the disclaimer of his hon. Friend, the Member for Yarmouth, to impute to him unworthy motives in the course which he had thought proper to pursue on this Bill.

Mr. *Poulter* said, the second clause depended upon the first, and after having agreed to the first, it was unfair for his hon. and learned Friend to oppose the second. He only wished to observe, that though he did not intend to offer any offence to his hon. and learned Friend, he must say, he did consider the opposition which had been given to this Bill as most unfair.

Mr. *Praed:* In answer to what had been objected by his hon. and learned Friend, the Member for Shaftesbury, begged to say, that the only reason why he had not opposed the first clause was, that having already, before going into Committee, stated his objections to the principle of the Bill, and the first clause involving that principle, he did not wish to trouble the House by again stating objections which had been virtually decided. As to what the right hon. the Chancellor of the Exchequer had said, he begged to ask, whether it was not for the promoters of the Bill to produce the affidavits on which their Bill professed to be founded. They were, in this instance, acting the part of prosecutors, and surely it was for them to prove their own case, not for the defendants. Besides, though the evidence had been printed by order of the House, these affidavits were wanting. As to the imputation of delay, whose fault was it that the House was counted out on Friday? He (Mr. Praed) would also say, that if every amendment which was moved by a minority was to be stigmatised as intended to create delay, there was an end to freedom of discussion, and a rule would be laid down which the right hon. Gentleman, when he was a member of a minority, would have been slow to submit to. He should certainly press his motion, for he considered the Bill as most unconstitutional in its nature, and was so termed by the first law adviser of the Crown.

Lord *John Russell:*—Without entering into the question before the House (which has already been sufficiently argued), I only wish to say, in reply to one remark which fell from the hon. and learned Member for Yarmouth, that it was not the fault of the Government that the House was recently counted out; that it was my expectation and my wish that a House should have been made, and that I was as much disappointed as any body could have been, that the House was counted out. And I beg to ask the hon. and learned Member who has this night so loudly complained of unfounded imputations, upon what ground it is that he has presumed to make this charge against the Government.

The *Solicitor-General* denied that he had ever thought that the question was one which ought to be decided only by a court of law. He had only concurred in the appointment of a Select Committee to inquire into the facts. But when his hon. and learned Friend, the Member for Shaftesbury, moved the second reading of this Bill, two persons being then about to be tried before a court of law, he gave it as his opinion, that the House ought to wait till the result of that trial was known. But since that time, the very circumstance which he regarded as an insuperable obstacle to the progress of the Bill had been removed. The trial had taken place, and the facts disclosed on the trial, were the same in effect as those which were brought out before the Committee. He cared nothing about the motion for a new trial. It was not pretended that the facts were not proved. The only question was, had frauds been committed at the Poole election, and when he found that the trial by the country brought out some facts which were proved before the Committee, he adopted those facts. It was very true that only two persons were prosecuted, but the evidence showed that the greatest frauds had been practised during the election, even in the ward which the hon. and learned Member for Yarmouth contended was quite pure.

The gallery was then cleared for a division, but none took place; and the clause, as it originally stood, was agreed to.

The remaining clauses of the Bill were also agreed to. House resumed, and Bill reported.

Stamp Duties on Newspapers.] On the motion of the Chancellor of the Exchequer, the Stamp Duties on Newspapers Bill was read a third time.

On the motion of the right hon. Gentleman, the clause relative to distinctive dies was read a first and second time.

On the question, that the clause stand part of the Bill,

Mr. *Wakley* did not rise to oppose this clause, but he objected to any further progress being made with the Bill to-night. The definitions in the Schedules made this Act, which pretended to liberalise the press, worse than any existing law on the subject. If this Bill passed into a law, no remarks or observations on political events in any publication could be made, without subjecting the parties concerned in such publication to heavy penalties. He entreated, therefore, the right hon. Gentleman to let this Bill stand over till to-morrow; or he should oppose the motion.

The *Chancellor of the Exchequer* could ot understand how the hon. Member for insbury could support the statement which e had just made, that this Bill would, if passed, render the newspaper law worse han it was at present. Under the existing w, any remarks or observations made on ny matters relating to the Church or State, rought the publication in which they apeared within the definition of a newsaper. Now, he had left out those words, nd he could not see that this omission ade this Act worse than the existing law. was for the hon. Member to prove that did, if he meant to justify the opposition e was offering to the Bill, the passing of hich, he would observe, it was very nportant should take place as soon as ossible.

Mr. *Aglionby* said, that undoubtedly the ill before the House was a considerable nprovement in the existing law; but what e complained of was, that the word "newsaper" was defined to extend to any pubcation containing any public news, intellience or occurrences, or any remark or bservation thereon. He admitted that the ght hon. Gentleman had excluded the ords "relating to Church or State," but e had, in common with other hon. Mембers, certainly misunderstood the right hon. entleman on the last occasion when this uestion was discussed. He did not unerstand that the right hon. Gentleman tended to fix such limits.

The *Chancellor of the Exchequer* thought, at if they allowed remarks on passing vents, it would be hard to say how they ould put remarks into a shape that would ot be an account of what had taken place, nd therefore, unless these words were reined, it would be impossible to have any efinition at all.

Mr. *Walter* had thought it his duty, aving some practical knowledge on the ubject, to offer his opinion on this meaure on its first introduction to the House; ut he forbore afterwards to press his pinions, as so many Gentlemen seemed to onsider themselves more competent, and etter informed on the subject than himlf. In this last stage, however, he could ot help giving a final glance at the Bill. e thought that the chief motive which ad been assigned for so large a reduction the duty, namely, that there was a class people who would not pay any duty, weak and unstatesmanlike one. He ought, also, the proposed restriction on the size of so singular a nature, that there must have been some other motive than that which was professed; for the only argument adduced in favour of imposing a double duty on the enlarged sheet was, that there was a kind of double postage; whereas but few, comparatively, of the morning newspapers were sent by the post; and how, consistently with common sense, could a postage be imposed upon those papers which never saw the post? However, considerable concessions had since been made on this head, which did but more clearly prove that there was no necessity for any enactment on that part of the question. But other gentlemen besides the Government had considered themselves qualified to improve our laws affecting the liberty of the press. One point he supposed might be taken as settled, which was, that every newspaper was to have its separate die. That, of course, would be advantageous to the higher newspapers; it would serve to blazon their superiority: but why did they do this? Let the newspapers do it themselves if they chose; but why should the Government attempt to damp and paralyse the efforts of humbler candidates for public patronage? They might depend upon it, that this disingenuous invention—for it was only such—would disappoint the expectations of those who had planned it. What greater right had they to ascertain and make public the number of customers that a newspaper possessed, than the number of customers that a banker or trader possessed? Another Gentleman wanted to ascertain the number which each paper printed, in order that he might know in which he should advertise. A truly important subject to be sure, to employ the whole force of Government! Would it not be as rational, if he called upon the Government to ascertain the custom of every tailor in London, in order that he might know where he should be best able to procure a coat that would best exhibit the graces of his person? A third Gentleman went further still, for he asserted the journals to be public property, and therefore that the public had a right to know all about them. But though last, not least, came forward a Gentleman who, professing to know a great deal more, really knew a great deal less, than any of the omniscients to whom he had alluded; and this Gentleman proposed to register all the proprietors. He (Mr. Walter) should have thought this the suggestion of some attorney, in order that, if there were forty proprietors, he might be able to bring his forty actions. Now the Tory legislators, as they had been called, Mr. Pitt and Lord Castlereagh, for example, were thought to act with severity enough towards the press, but all their acts and doctrines were liberality itself when compared with those of the liberal Gentlemen of that House. They would have an inquisition. If they wanted to get at every body that could by possibility contribute towards slandering their fair fame, why had they not proposed a registration of the paper-makers, and the type-founders, and the ink-makers? for without the aid of all these, what they might be pleased to call a libel could not be published. If they wished to keep the press respectable, let them not interfere with its internal regulations at all. The liberty of the press had been fancifully called "the air we breathe;" it was the original object of this measure, he had no doubt, to have inflicted on it a terrible asthma. With these clauses, it might perhaps pant and wheeze through another session or two of that liberal Parliament, which had given it its death-blow, but that would be all. And then, what would be obtained by this ridiculous gimcrackery of the dies? Why, he would tell them what: the Gentlemen on the Treasury benches would learn for certain, what some of them would not like to know—that the greatest journals were the greatest journals still; and that the principles which they advocate, must, therefore, be the most prevalent in the country which patronised them. He had looked over the debates of the last period, when the rights of the press came under discussion, and he would conclude with reading a passage from a speech of Sir J. Mackintosh, as confirmatory of his opinion;—"A high sense of honour, a strong feeling of personal independence, and a reliance on an unimpeached and unimpeachable character, were the best securities which could be taken from the editor or the proprietor of a newspaper. If these were once broken down by any restriction of the Legislature, the public journals would be thrown into the hands of men, either of desperate poverty, or of desperate fanaticism, or of desperate ambition, who would willingly brave all the penal statutes which could be enacted against them."

Dr. *Bowring* observed, it had been represented to him, how truly he could not say, that by the alteration in the original arrangement of the right hon. Gentleman, the Chancellor of the Exchequer, one of the most valuable morning newspapers published in the metropolis would be excluded from the benefits of the Act, as it would not come within the maximum fixed by the right hon. Gentleman. The paper, to which he alluded, was the *Morning Chronicle.*

The *Chancellor of the Exchequer* said, the learned Doctor was quite mistaken, that he (the Chancellor of the Exchequer) had taken the largest size newspaper as his maximum, and the only alteration that had been made in regard to the size of the newspaper was, that he had allowed the admeasurement to be taken from the printing contained in the paper, in place of its being taken from the size of the paper itself, which was subject to great variation.

Mr. *Ewart* was apprehensive, that by the words to which his hon. Friend the Member for Cockermouth (Mr. Aglionby) had alluded, many useful publications containing "remarks and observations" upon public occurrences would be rendered liable to duty, and thereby effectually stopped. He meant such publications as the "Companion to the Newspaper" for instance—one of the most valuable and useful that was published; he considered that such publications were calculated to improve and enlighten the people, and that they ought rather to be encouraged than put down.

The *Chancellor of the Exchequer* assured the hon. Member that such publications would not be rendered liable to duty by this Bill.

Mr. *Wakley* said, he should not object to the bringing up of this clause, but when the question was put that the Bill do pass, he should either move the adjournment of the House, or take some other means to obtain a postponement of the Bill.

Clause agreed to, and ordered to stand part of the Bill.

The Chancellor of the Exchequer proposed a formal amendment on Clause 10.

Mr. *Walter* said, that instead of the Bill being that which it was professed to be, a strictly financial measure, it was of the most oppressive kind. He particularly alluded to the provisions of Clause 10, to which he begged to call the attention of the House. It had been only proposed by Mr. Pitt, that two proprietors of a newspaper should be registered, but by this clause the right hon. Gentleman, the Chancellor of the Exchequer, provided that all the proprietors, even though they amounted in number to 100, should be registered, and not only registered, but that each newspaper should make a return of its proprietors every half year. The clause had been introduced after 12 o'clock at night, and nobody knew any thing about it until last Saturday. It was a most oppressive clause, and though it might pass this House, he sincerely trusted it would never pass the other House of Parliament. He should move the entire omission of the clause from the Bill.

The *Chancellor of the Exchequer* said, that although he had seen the observations with which the hon. Member for Berkshire had just concluded in print this morning, as he had often seen them before, yet he must say, that the hon. Member's address to the Commons of England, that a measure which might pass their House would not be likely to pass elsewhere, was neither Parliamentary nor consonant (whatever might be the practice out-of-doors) with the usage and practice within the walls of Parliament. The supposition that a Money Bill, in relief of the subject and for the repeal of taxation, was not likely to pass elsewhere, was a new doctrine, which with all the experience the hon. Gentleman opposite might have of the particular subject-matter under discussion, or of the law itself, he would find it difficult to reconcile to Parliamentary practice. But with respect to this clause and another, he begged to say that they had not been introduced or brought forward by him. On the contrary, he had stated from the first, that he would not introduce into the Bill any clause that was not a revenue clause, and therefore when this clause, and that which established a distinctive die, was proposed, he had said, that whether they might be right or wrong, he did not want either of them for the protection of his Majesty's revenue. The hon. Gentleman was in error when he stated that the House had been taken by surprise with regard to those clauses. The hon. Gentleman forgot that they were discussed two days in Committee, and the propriety of their introduction into the Bill fully agitated, and on that discussion, so far from any difference of opinion arising upon them, there was not a single Member who took a share in the discussion, that did not express himself as being favourable to the introduction of this clause. And on what ground did they so express themselves? Why, they said they felt that there ought to be a responsibility in the conduct of newspapers, and that those who took on themselves the privilege or duty of giving that species of information which a newspaper usually contained, had no right to abstain from giving their names, or to hide and cloak themselves from responsibility. On this ground the clause had been proposed and introduced into the Bill, and not with a view of either protecting the revenue, or of curbing the liberty of the press. Those Gentlemen who spoke their opinions through the medium of the press, ought not to object to make themselves known to the public, because on the principle of the constitution itself, when power was given, it ought to be accompanied by responsibility, more or less, for the exercise of that power. It was stated, and stated justly, by those who had proposed this clause, that at a time when propositions were made for establishing newspapers by joint-stock companies, it was important that some responsibility should be affixed to the machine, whether put in motion by Whigs, Tories, or Radicals. Such was the object of the clause—a clause which could not detract from the character of a paper by requiring the name of the commentators on the events of the day to be given to the public; and he must add, that if ever there was a clause not of the creation of the Minister, not asked for by him, but which the House had taken upon itself, after discussion, deliberation, and without division, that clause was the present.

Mr. *Walter* observed, that when the clause was introduced last Tuesday night, it was at the late hour he had stated. Nobody had expected that the Bill would have been proceeded with on that night, and the clause having been admitted by the right hon. Gentleman, the Chancellor of the Exchequer, he held him responsible for it.

The House divided on the clause:—Ayes 58; Noes 15;—Majority 43.

List of the AYES.

Aglionby, H. A.
Baines, E.
Baldwin, Dr.
Bernal, R.
Blamire, W.
Bowring, Dr.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Callaghan, D.
Chalmers, P.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Elphinstone, H.
Etwall, R.
Ewart, W.
Fergusson, rt. hon. R. C.
Fitzgibbon, hon. Col.
Gordon, R.
Hall, B.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Hobhouse, right. hon. Sir J.
Horsman, E.
Howard, P. H.
Hutt, W.

Labouchere, rt. hn. H.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Maule, hon. F.
Murray, rt. hon. J. A.
O'Connell, J.
O'Connell, M.
Palmerston, Ld. Visc.
Philips, M.
Ponsonby, hon. W.
Potter, R.
Price, Sir R.
Rice, rt. hon. T. S
Robinson, G. R.
Rolfe, Sir R. M.
Ruthven, E.
Stanley, E. J.
Steuart, R.
Strutt, E.
Stuart, Lord Dudley
Thomson, right. hon. C. P.
Thompson, Col.
Thornley, T.
Tooke, W.
Townley, R. G.
Tulk, C. A.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.

TELLERS.
Mr. Baring
Sir G. Grey.

List of the Noes.

Borthwick, P.
Buller, Sir J. Y.
Clerk, Sir G.
Ferguson, G.
Forester, hon. G.
Gladstone, W. E.
Gordon, hon. W.
Graham, rt. hon. Sir J.
Hale, R. B.
Knightley, Sir C.
Lincoln, Earl of
Perceval, Colonel
Praed, W. M.
Pringle, A,
Trevor, A.

TELLERS.
Mr. Walter
Colonel Sibthorp

On the motion that the Bill do pass,

Mr. *Wakley* protested against the Bill, and complained that he had not been fairly dealt with by the right hon. Gentleman, the Chancellor of the Exchequer, inasmuch as he had promised to repeal all the objectionable provisions of the existing laws, especially the 16th and 55th George 3rd, and yet this Bill was silent in this respect. He should oppose the motion that the Bill do pass, by all the means the practice of Parliament would allow him.

The *Chancellor of the Exchequer* had throughout this matter endeavoured to meet the question fairly, and he owned it was matter of surprise to him, that after the discussions which had taken place, any new objection should be started. It was now too late to move any modification or alteration, and all that the hon. Member could do would either be to adopt or reject the Bill. He was desirous to send the Bill elsewhere, notwithstanding the remarks which had been made by the hon. Member for Berkshire, and pressed as he had been to proceed with this Bill by persons out of doors, he should on every ground adhere to his motion that the Bill do now pass.

Mr. *Wakley* was determined to take the sense of the House upon that motion.

The House divided on the question that the Bill do now pass:—Ayes 55; Noes 7:—Majority 48.

List of the Ayes.

Aglionby, H. A.
Baines, E.
Baldwin, Dr.
Blamire, W.
Bowring, Dr.
Brotherton, J.
Buckingham, J. S.
Chalmers, P.
Cowper, hon. W. F.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Elphinstone, H.
Etwall, R.
Ewart, W.
Ferguson, G.
Fergusson, right hon. R. C.
Fitzgibbon, hon. Col.
Gordon, R.
Grey, Sir G.
Hall, B.
Hastie, A.
Hawes, B.
Hobhouse, right. hon. Sir J.
Horsman, E.
Howard, P. H.
Hutt, W.
Labouchere, rt. hn. H.
Lefevre, C. S.
Lennox, Lord George
Lennox, Lord Arthur
Lowther, Lord Visct.
Mackenzie, S.
Morpeth, Lord Visct.
Murray, rt. hon. J. A.
O'Loghlin, M.
Palmerston, Ld. Visc.
Parker, J.
Philips, Mark
Potter, R.
Price, Sir R.
Rice, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Ruthven, E.
Stanley, E. J.
Steuart, Robert
Strutt, E.
Stuart, Lord Dudley
Thomson, right. hon. C. P.
Thornly, T.
Townley, R. G.
Tulk, C. A.
Wallace R.
Warburton, H.
Williams, William

TELLERS.
Mr. Baring.
Maule, hon. Fox.

List of the Noes.

Borthwick, P.
Buller, Sir J. Y.
Knightley, Sir C.
Lincoln, Earl of
Perceval, Colonel
Thompson, Colonel
Trevor, A.

TELLERS.
Mr. Wakley
Mr. Walter.

Bill passed.

Postage on Newspapers.] The Chancellor of the Exchequer moved the order of the day for the third reading of the Postage on Newspapers Bill.

Dr. *Bowring* wished to know whether Spanish newspapers coming through France would reach this country post free?

The *Chancellor of the Exchequer* was understood to say, that they would not. We could not expect that France should bear the charge of the transit of the papers of other countries to this.

Mr. *Aglionby* begged to call the attention of the right hon. Gentleman, the Chancellor of the Exchequer, to the practice of sending papers through the post with crosses or lines to mark particular passages. That was a very different thing from marking out particular letters so as to make sentences, and thus carry on a correspondence. It was well known that many persons sent newspapers for the purpose of calling the attention of those to whom they were sent to particular passages in them. That was frequently done when newspapers were sent to Members of Parliament, but the papers thus marked were often charged a very high postage. Now, he would suggest that a proviso should be inserted in the Bill to the effect, that any line or cross to mark particular paragraphs should not be included as writing, and thus rendering the paper liable to postage.

The *Chancellor of the Exchequer* thought it would be better to leave the matter to the discretion of the Post-office, which he was sure would not charge that as writing, which was a mere mark to call the attention of the party to a particular passage. If the making of such mark were legalised, it would open a door to many frauds on the Post-office.

Mr. *Wakley* had received many newspapers so marked, and had never been charged postage for them.

Bill read a third time, and passed.

HOUSE OF LORDS,

Tuesday, July 26, 1836.

MINUTES.] Bills. Read a second time:—Ottoman Dominions (Consuls); Richmond Penitentiary (Ireland); Valuation (Ireland).—Read a first time:—Court of Exchequer (Scotland); Postage on Newspapers: Land Tax Commissioners Names; Established Church Bill.

Petitions presented. By Lord TEYNHAM, from Brechin, for an Alteration of Small Debts (Scotland) Bill so as to fix six as the Minimum Number of times in which the Sheriff is to hold a Court in Brechin.—By Lord HOLLAND, from Chatham, against the Payment of Church Rates.—By the Marquess of BUTE, from the Presbytery of Duneen, against the Universities' (Scotland) Bill.—By the Earl of MANSFIELD, from the Presbytery of Arran, against Church of Ireland Bill.

EDINBURGH POOR RATES.] Lord *Hatherton*, in moving the second reading of the Edinburgh Poor-rates Bill, observed, that under particular statutes certain bodies in Edinburgh, namely, the Faculty of Advocates, the College of Justice, and the Writers to the Signet, claimed exemption from the liability to contribute to the Poor-rates of that city, and the present Bill was intended to cure that defect in the existing system. He believed that the members of those bodies were not opposed to the principle of contributing to the relief of the poor, but that they rested their opposition on entirely different grounds. He was informed that they felt and admitted the necessity of affording relief to the poor, but that they opposed the measure with reference to the alleged expedience of settling other matters connected with the general affairs of the city, especially that of making some suitable provision for the clergy. They founded their opposition on a Report of the other House of Parliament, in which he believed nothing was said about the poor, but which related to the situation of the clergy. Petitions had, it should be observed, been presented in favour of the Bill from the Corporation of the guildry of Edinburgh, from the convenery and heads of the incorporated trades of Edinburgh, from the Lord Provost and magistrates of Edinburgh, and from several members of the College of Justice. Those parties all agreed that the bodies alluded to ought not to be allowed to claim exemption from contributing to the support of the poor. Under these circumstances, he trusted their Lordships would allow the Bill to go to a Committee.

The Earl of *Haddington* said, he had presented petitions against this Bill from the Dean of the Faculty of Advocates in Edinburgh, on behalf of the faculty, from the Society of Writers to the Signet in Scotland, and from members of the College of Justice. So much, then, for the friendly feeling which those bodies were said to entertain towards this measure. The Bill he considered to be singularly unjust in its provisions, and to have been introduced at a singularly unseasonable period, when an effort was making to heal certain differences which had long existed in Edinburgh, and which the parties who opposed the Bill were anxious to see brought to a conclusion. A statute of the Scottish Parliament, in 1532, established and conferred on those bodies the exemption which it was the object of the Bill to wrest from them, without any equivalent. It was said that those parties did not wish to adhere to this exemption. Upon that point all he felt himself justified in saying was, that perhaps they were willing that the exemption should be put an end to, on proper terms, if such a proceeding were necessary to secure the peace and tranquillity of the city. The parties interested would probably consent to forego their right on equitable terms—namely, that the question of the support of the clergy, as well as the maintenance of the poor, should be finally settled. Until the former question was entertained, they certainly would adhere to their exemption. The Committee of the other House had naturally taken into consideration the present situation of the clergy of Edinburgh; and they recommended in their Report that the annuity tax should be abolished, and that a sum, payable half-yearly, should be supplied by the city of Edinburgh for the subsistence of that body; and they stated that the exemption from the assessment for the relief of the poor was not likely to be insisted on, if any satisfactory adjustment of the claims of the clergy were adopted. Now, the petitioners against the Bill had certainly the right to insist on that point. They were not unwilling to share the burden of their fellow-citizens in providing for the poor, but they wished that other questions should also be settled. He conceived this to be an unseasonable measure, because the Report which was before the other House contained suggestions which, if acted on, would bring the whole of the disputed questions to a satisfactory arrangement. No case, he contended, was made out for the second reading of the Bill, which involved a violent invasion of absolute rights, without the consent of the parties to whom they appertained. Hereafter an arrangement might be made every way beneficial to the public interest, under which proper provision could be made for the poor. He should, therefore, move as an amendment, that the Bill be read a second time this day three months.

The Earl of *Minto* said, the noble Earl had designated this measure as unjust and unseasonable. It did not appear to him to be unjust that those individuals should contribute towards the support of the poor; and it was not unseasonable, inasmuch as some measure was absolutely necessary to enable the inhabitants of Edinburgh to provide for their poor. If this Bill were not passed there would be no provision for them. He believed, that the parties who opposed the measure were not so anxious about retaining the right of exemption as they were to procure the settlement of another and a distinct question, which had no connexion whatever with that which was immediately before the House.

The Earl of *Rosslyn* said, that a more unjust measure—a measure of greater spoliation, with reference to the rights of individuals, was never introduced to Parliament than that which was now proposed to their Lordships. The individuals who opposed the Bill were ready to give up all pecuniary advantages for the public good, but they resisted the attempt to wrest from them those rights which were as much their property as the estate of any individual was his. Those rights were granted to them by the Scotch Parliament, they were confirmed by the Court of Session, and they were recognized by acts of the English Parliament since the accession of the House of Hanover. It appeared to him, therefore, to be one of the most arbitrary and unjust propositions that ever were submitted to Parliament when an attempt was thus made to take away those rights without the consent of the parties. Under these circumstances, he should certainly vote for the postponement of the second reading of the Bill. It was useless to send it to a Committee, because nothing was to be proved, and nothing could be said there that was not known already. A proper arrangement might be come to in the next Session.

Amendment agreed to. Bill put off for three months.

OTTOMAN DOMINIONS (CONSULS).] Viscount *Melbourne*, in moving the second reading of the Ottoman Dominions Bill, stated, that the nature of the Bill was explained by its preamble. It was to provide for establishing and defining the authority of the ambassadors, consuls, and other officers sent from this country to the Turkish dominions in Europe, Asia, and Africa, with a view to the protection of British subjects and their trade in those dominions. To show the necessity of such a measure, the noble Viscount read an extract of a letter dated January 7, 1836, from the merchants trading to the Levant, showing the imperfection of the existing system. The first clause granted to the Crown the power of issuing directions from time to time, touching the rights and duties, jurisdiction and authority, criminal as well as civil, over his Majesty's subjects residing in, or resorting to the Turkish dominions, to be exercised by British ambassadors, consuls, &c. The second clause gave his Majesty authority to, issue directions and regulations for the guidance of his ambassadors, consuls, &c., in case of disputes which might arise between British subjects and the subjects of any Christian power within the Turkish dominions.

The Duke of *Wellington* had no objection to the first clause. The second clause, however, went to give to British consuls the power of interfering in disputes between British subjects and foreigners in the Ottoman dominions. Now he could not see how an act of the British Parliament could confer any such authority.

Viscount *Melbourne* said, the subject should be considered before going into Committee.

Bill read a second time.

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HOUSE OF COMMONS,

Tuesday, July 26, 1836.

MINUTES.] Bills. Read a second time:—Assessed Taxes; Church Temporalities' (Ireland); Ecclesiastical Leases Act Amendment; Ecclesiastical Appointments Suspension.

JURISDICTION OF THE CHURCH OF SCOTLAND.] Dr. *Bowring* rose to present a petition containing allegations against the superior authorities in the Church of Scotland. The facts of the case were these:—In the year 1820 the petitioner was, or claimed to be, ruling elder of the High Church parish of Kilmarnock, and continued to perform the duties of that sacred office until the 27th of March, 1834, on which day he presided at a public meeting of the people for the purpose of petitioning the Legislature for the severance of the Church from the State. In less than twenty-four hours afterwards he was summoned to appear before the High Court of Session to answer for his conduct, which having done, he was threatened with the censure of the Superior Courts of the Church unless he confessed his fault, and apologized for attending the said meeting. But, notwithstanding his appeals to the Presbytery of Irvine and the Synod of Glasgow and Ayr, and the General Assemblies of 1834 and 1835, he was deposed from his high and respectable situation in the Scottish Church. The petitioner was not served with notice, stating the alleged offence or offences committed by him, nor any reason for such a cruel attempt to disgrace him as a magistrate in public estimation, to ruin his character, to destroy his usefulness, and to lower him in society. And although the petitioner's case is a solitary one, it has become an important and national case, inasmuch as the privileges and reputation of Magistrates, and the honour and purity of the Church of Scotland, as a body, are deeply involved; and he alleges that the latter, through its representations, had been guilty of a gross and daring persecution towards him. For, in the first instance, the General Assembly of 1834, when applied to by the Presbytery of Irvine for advice in this case, did without allowing the petitioner to be heard in his defence or exculpation, instruct the said Presbytery to depose him *instanter* from the office of eldership, unless he retracted certain unrecorded sentiments alleged to have been expressed by him; secondly, because the Presbytery of Irvine in consequence of the Assembly's award, did pronounce sentence of deposition on him, without granting him the opportunity of vindicating his character. That petitioner applied to the Synod of Glasgow and Ayr against the unjust treatment of the Synod of Irvine, but instead of being dealt with according to the laws of the Church, he was assailed with the vilest aspersions, and denounced by a reverend Gentleman as "a person who was courting an infamous notoriety." That the General Assembly of 1835, when appealed to against the illegal manner in which the petitioner was treated in all the preceding stages of this harassing case, instead of reversing the sentence of deposition from the office of eldership which had been recorded against him, finally confirmed it. The petitioner maintained that in presiding at the meeting he acted both magisterially and ministerially, and he could not conceive what authority there was under such circumstances to deprive him of his office, and to hold him up to his fellow citizens as one unworthy of confidence. He had not suffered, however, in his political *status*, as the inhabitants of Kilmarnock had again and again elected him as the baillie of that town. The petitioner went on to state the different appeals made for redress, but without effect, and asserted that though his was a solitary case, it was, nevertheless, an important one. The Church of Scotland had no more zealous member than he had always been, and he hoped the House would interfere and not sanction such a case of great injustice as that a man should be condemned unheard, and deprived of his situation in a church in which he had been brought up, for having discharged a peremptory public duty. The petitioner prayed that the House would afford him such redress as it deemed fit, under the harsh injustice of his case.

Sir *George Clerk* said, that it was with great regret he felt it his duty to take an objection *in limine* to the reception of this petition. He was as ready as any Member of that House could be to throw open the door as wide as possible for the reception of the petitions and complaints of the people, but he thought that the House would act wisely in refusing to receive a petition which called upon it to do that which it was not in its power to do. But he would take still higher ground in opposing the reception of this petition; and with all due deference for the authority of that House, he would deny its right to interfere at all in the matter to which the petition referred. He would call upon the House to refuse to receive the petition, on the ground that the church of Scotland did not admit of the interference of any civil authority in matters relating to the internal discipline of that church. That right was sanctioned by the claim of rights presented by Scotland to King William III. at the revolution—it was sanctioned and established by the convention Parliament then held in Scotland—and it was guaranteed to the Church of Scotland by the act of union. He was ready to admit—the church of Scotland was ready to admit—that in all civil matters connected with that Church the Legislature had a right to interfere. The Church of Scotland did not refuse to render unto Cæsar the things that were Cæsar's, but it would not allow of an interference with its spiritual and ecclesiastical rights, ratified as they had been in the manner he had stated, and which constituted the independence of the church government of Scotland, as represented in Presbytery boards, provincial synods, and the General Assembly. He would not enter into the merits of the case stated in the petition. He knew nothing of the meeting to which it referred, but circumstances had occurred at that meeting which induced the parochial session to deprive the petitioner of his office for his conduct there. From the decision of the presbytery of Irvine the petitioner appealed to the provincial synod of Glasgow, which confirmed that decision; and then on two several occasions he appealed to the General Assembly, which also confirmed the decision against him. How could the House of Commons possibly interfere in such a case? The petitioner had been deposed from the situation of elder by the only court competent to judge in the last resort. If they received this petition, complaining of a judgment pronounced by the appellate jurisdiction of the church of Scotland, they might just as well receive a petition from some other person, complaining of a decision of the House of Lords, acting in its judicial capacity as an appellate jurisdiction from the courts below. The case of the petitioner had gone through a regular trial, and the decision was final. Such was the argument which might be drawn from matters purely civil; but the question raised by this petition related entirely to church discipline, and on the ground that they could not interfere with that discipline, he (Sir G. Clerk) if he stood alone, would resist the reception of this petition.

Mr. *Hume* said, that the objection taken by the right hon. Baronet to the reception of the petition could not be maintained. If the Church of Scotland were situated as the Catholic Church of Ireland was, and if it was not recognized by the law of this country, then indeed there would be something in the objection. It was upon the ground that the law of this country did not sanction the Catholic Establishment in Ireland that the petition relating to the discipline of that Church was on a former occasion refused to be received. But if that House had a right to interfere with the discipline and proceedings of the Church of England, it possessed an equal right with regard to the Church of Scotland, and every individual member of that Church was as much under the protection of the Legislature as the members of the Church of England. Various acts had been passed which proved the existence of such a power on the part of the imperial Legislature. The right hon. Baronet had said, that the Church of Scotland was ready to render unto Cæsar the things that were Cæsar's. He had cheered that sentiment, remembering, as he did, how often the Church of Scotland had come to that House begging for money. They granted 50,000*l*. at once to that Church, and they voted it 10,000*l*. annually. Should it be said after this vote of the public, that the King, who was the head of the Church of England and of the Church of Ireland, possessed not the same power through his commissioner over the Church of Scotland? His Majesty was represented by his commissioner, who presided over the General Assembly of the Church of Scotland. Surely if the Church of Scotland should overstep its bounds, and take upon itself to interfere with the civil and political rights of an individual—if it should do that towards a member of its communion which would form a just ground of complaint on the part of a member of the Established Church of England, had not Parliament a right to interpose and give redress? The present petitioner, occupying, as he did, a distinguished situation amongst his fellow townsmen, presided at a public meeting held there. This displeased the local presbytery, and the offending party was dismissed from his situation of elder, without being allowed an opportunity to be heard before the tribunal that condemned him. Here was persecution of the highest kind—the employment of religious means to punish an individual for a political offence. If there existed no law empowering the Legislature to interfere in such a case and to give the subject relief, it was high time that such a law should be passed. He believed, however, that under the existing law the House had full power to interfere in such a matter. The House should not reject a petition which, like the present, was worded with the greatest propriety. There might be a question raised if his hon. Friend proposed some remedy that would interfere with the power of Presbyteries and Synods. There might be a difference of opinion on that point, and he was not at present able to say what he would propose in regard to it; but as to the reception of the petition he thought the House should not hesitate a moment in receiving it.

Mr. *Fox Maule* said, that as regarded the reception of the petition he would leave it to the House whether a petition that was respectfully worded might not be received and laid upon the table. But with regard to the question whether the House could afford any remedy in this instance, he for one would deny the right of that House to interfere with the regulations and discipline of the Church of Scotland. The Church of Scotland recognized not such a right of interference, either on the part of Parliament or of the Government. On one occasion an order was sent down to Scotland to make certain alterations in the liturgy, and the Church of Scotland at once refused to recognize any such authority on the part of the Crown. He would put it, therefore, to his hon. and learned Friend whether, as it was clear that the House had no right to interfere, and would afford no remedy in this case, he would persist in laying the petition on the table of the House. He imagined that his hon. Friend's object was now fully gained in drawing public attention to the subject matter of the petition, and he would recommend him, under such circumstances to withdraw it.

Dr. *Bowring* said, that the complaint of the petitioner was, that the Scotch Church had interfered in a matter where it had no right to interfere. The petitioner conceived that he had suffered a great grievance, and that he was bound to call the attention of Parliament to it. He thought, that when the Church of Scotland came to that House asking for money, it, of necessity, admitted the right of that House to control its proceedings where they were irregular and unjust. He was ready to withdraw the petition, if it was the opinion of the Speaker that it could not be received.

Mr. *Pringle* said, that he could not sit silent after the confusion of ideas which had been exhibited on this subject by the two hon. Members opposite. He would maintain that the Church of Scotland had very properly dismissed this individual from the spiritual office of elder on account of his presiding at a meeting whose proceedings were incompatible with the duties of such an office, and he would further maintain, that the decision then come to was final, and that the Legislature had no right or power to disturb it. The hon. Member for Middlesex was quite mistaken in his idea of the position in which the Church of Scotland stood. That position had been most accurately stated by the hon. Member for Perthshire. While dependent in some temporal matters connected with the State, the Church of Scotland was, in spiritual matters, entirely independent. As to the King's commissioner, he merely sat in the assembly that he might be able to report to the King what had been done. In all that regarded spiritual jurisdiction and authority the King's commissioner was not entitled to interfere. In the same manner, the Church of Scotland was entirely independent of the authority of the Legislature, and that independence was guaranteed to it by acts of Parliament. He must protest, then, against any countenance being afforded to a petition like this, that called upon them to interfere with the discipline of the Church of Scotland. The reception of such a petition would diffuse general dissatisfaction throughout Scotland. The case was quite different as regarded the Church of England. The line of demarcation was not there drawn with the distinctness that it was in the instance of the Church of Scotland. He would defy any hon. Member to produce a precedent for legislative interference in a matter of the kind relating to the spiritual jurisdiction of the Church of Scotland.

Mr. *Cutlar Fergusson* said, that he fully agreed with his hon. Friend, the Member for Perthshire, that the House had no right to interfere in this affair, and that it could not take cognizance of a mere matter of spiritual jurisdiction connected with the Church of Scotland. The petitioner had appealed to the highest tribunal in his Church, and he would say, that he not only ought to have been dismissed from his office of elder, but that it was impossible for the Church authorities of Scotland to have done any thing else. The petitioner presided at a meeting which was called upon to decide upon the separation of Church and State—in fact to put an end to the Established Church in Scotland. The petitioner besides, in his petition, stated, that there never would be peace in Scotland until such a separation was effected. Could the man that held such sentiments be continued for one day as an elder of that Church? He would not oppose the reception of the petition, but he hoped it would be withdrawn.

Mr. *O'Connell* said, that upon one point, at all events, there could be now no confusion of ideas. It had been clearly laid down by the right hon. Gentleman who had just spoken, that it was a spiritual offence to talk of the separation of the Church from the State. [Mr. *C. Fergusson*: I said on the part of an elder.] No matter whether elder or younger—the right hon. Gentleman had laid it down that it was a spiritual offence. [Mr. *C. Fergusson* regarded it as a matter of spiritual discipline.] It mattered not whether the right hon. Gentleman regarded it as a matter of faith or discipline, his position remained the same. The Church and State must not be separated, and yet the State must have nothing to do with the spiritual jurisdiction of the Church. Was the Church of Scotland in a position to entitle it to claim that right, while it maintained its connexion with the State? He should be glad to see the State have no control over the spiritual affairs of the Church of Scotland. He thought that no church should have its spiritual affairs subject to the control or interference of the State; but he thought, at the same time, that no Church should be connected with the State. He quite agreed in the present instance with his Friend the petitioner, Baillie Craig. Suppose the Church of Scotland deprived a man of an office because he was a Tory, would that be justifiable? A Tory was not a very spiritual thing; indeed, it was the least in the world so. Now suppose the Church of Scotland deprived a man of a valuable benefice, because he was—what many considered a very laudable thing—a Tory; would not such an overstepping of the bounds of its spiritual jurisdiction by the Church of Scotland, and such a meddling in temporal matters, call for the interference of that House? The case of the petitioner was precisely of that description. He was deprived of his spiritual office, because he had presided at a political meeting. Why, the same might have been done to him for presiding formerly at a meeting to petition that House for a reform in Parliament. What business had the spiritual court in Scotland to interfere in such matters? Those who contended that the Church and State should not be separated and who, at the same time, justified such a proceeding, were for placing, the Church over the State. He should be glad to see the petition laid on the table, though no man more entirely concurred in the opinion that the Legislature should not interfere in the spiritual affairs of any church.

Mr. *Cutlar Fergusson*, in explanation, begged to say, that what he had said was, that an elder was a spiritual office, and that the spiritual court had a right to deprive the petitioner of it.

Sir *James Graham* was never more surprised than by the speech just delivered by the hon. member for Kilkenny, recollecting as he did, that no subject had been more dwelt upon in the speeches, the addresses, and the letters, of that hon. Member, than the fact that the people of Scotland had, with their "good broadswords," achieved the independence of the Church. Was it for the hon. Member, who so repeatedly referred with praise to that fact in the history of Scotland, now to turn round and call for legislative interference with the spiritual authority of that Church? What the people of Scotland had conquered with their arms had been recognized and guaranteed to them by repeated acts of Parliament, and the Act of Union had recognized the independence of their Church as complete and entire. He quite agreed with what had fallen from the Under Secretary of State (Mr. F. Maule). The Church of Scotland acknowledged the right of no authority to interfere with their ecclesiastical government. They recognized not the Sovereign of these realms as the head of their Church. The head of the Church of Scotland was an elective body, chosen partly of the laity, and partly of the clergy, and that head was the General Assembly. This petitioner had twice brought his case before that assembly, and twice it decided against him. This was no case of the loss of civil franchise. If, indeed, a civil injury had been sustained, there might be a civil remedy. It was a case of removal from an ecclesiastical office by the competent authorities of the Church. The hon. Member had no right to talk in the jesting way he did of "elders" and "youngers." The office of elder was a responsible and respectable one. With presbyters and moderators it formed a portion of that government for which the Scotch people had bled and conqured, and he (Sir J. Graham) would always contend for the privileges which that Church had guaranteed to it by the union. The question here regarded not the connexion of Church and State; it was whether the ecclesiastical authority of the Church of Scotland should be controlled by the Legislature, of which it was perfectly independent? The present petition was an attempt to interfere with that authority, and he hoped that the hon. Member would not press its reception. They had already enough of disputed questions regarding church government, without interfering with the Church of Scotland. He would vote against its reception.

Mr. *O'Connell* begged, in explanation, to say, that in the words he had used, to which the right hon. Baronet had alluded, he had not meant the slightest disrespect to any office in the Church of Scotland. He had always spoken of that Church with the greatest respect. He never intended to say anything disrespectful of any of its Members.

Mr. *Hardy* did not see why the House should receive a petition where it could not afford a remedy.

Mr. *Hume* contended, that where a subject complained of an injury his petition should be received.

Mr. *Potter* said, that if the Church of Scotland was so independent and so spiritual, why did it come to that House for money?

The *Chancellor of the Exchequer* said, that if the reception of the petition should be pressed to a division, he should vote for it. Though the House might not be able to afford a remedy, that was no reason for rejecting a petition. He hoped that it was not argued on the other side that the independence of the Scotch Church had been so guaranteed to it, that even if it exceeded its jurisdiction, and applied its powers to temporal matters, complaints against it for so doing could not be entertained by that House. He was glad to hear that that distinction was allowed. It was admitted he believed, on all hands, that with the spiritual powers exercised by the Scotch in this instance the Legislature had no right to interfere; but were they to go a step further, and to say, that in every case where a petition prayed for a remedy which the House had no means of affording, it should be rejected? If such a rule were strictly enforced, much of the time of the House might certainly be saved, for it was in the habit daily of receiving petitions of that kind. It was only the other day they had a petition before them (he referred to the Troutbeck case) which actually prayed for a new trial; and upon such a principle as he had mentioned, the petitions of which they had so many formerly, for the repeal of the union would have been rejected. The best rule, he thought, was to leave the matter to the discretion of hon. Members, and where petitions were respectfully worded, they should, generally speaking, be received. If they laid down an opposite rule, the House might appear to sanction, *pro tanto*, the contents of any petition it received. It was to the discretion of the hon. Member for Bandon that the House appealed when it called upon him to withdraw a petition from a Catholic Clergyman (Dr. Mulholland), praying for redress in a matter in which the House could not possibly interfere. He joined in the appeal of his hon. Friend, the Member for Perthshire to his hon. Friend, the Member for Kilmarnock, not to persist in presenting this petition. At the same time, if the hon. Member pressed it, he should vote for it. He quite agreed in the position that the House had no right to interfere in the matter.

Mr. *Clay* hoped his hon. Friend would not withdraw the petition. The House could not see whether the Church of Scotland had overstepped the bounds of its spiritual jurisdiction if they refused to receive the petition.

Mr. *Goulburn* hoped, that the hon. Member for Kilmarnock would answer the appeal of the Chancellor of the Exchequer by withdrawing the petition. If pressed to a division he would vote against it. He did not think it right to receive a petition when the House admitted it had no power to remedy, and no right to interfere.

Petition withdrawn.

Sir Charles Burrell.] Mr. *Hume* presented a petition from certain subscribers to Mr. Cundy's line of railroad to Brighton, respecting the conduct of Sir Charles Burrell. The hon. Member read the petition, at length, it stated:—

> "That the petitioners had heard, and believed, that some arrangement had been promised, or entered into, conditional upon the passing of Stephenson's Bill, with Sir Charles M. Burrell, a Member of the Committee, for the purchase of the Baybridge Navigation, in which Sir Charles M. Burrell has an interest."

The hon. Member (Mr. Hume) having read the petition, remarked, that the hardship would be extreme if a Member of Parliament were not allowed, on that account, to protect his own property; though at the same time he could not be justified in using his influence as a Member to oppose a measure because certain conditions which he required had not been complied with.

On the question that the petition do lie on the table,

Sir *Charles Burrell* was glad to have that opportunity of making some explanation with regard to himself. As to the canal in question, which he had been described as the chief owner of, that was a gross misrepresentation. He could only say for himself that in the proceedings he had taken he had never sought any advantage whatever. He was able to offer to the House the evidence of a most respectable individual relative to his conduct and transactions in this matter; and if it was the wish of the Members of the House to hear that evidence the gentleman was ready to give it at the bar of the House. Mr. Cundy had called upon him, and stated it was his intention to project a railway from Shoreham to Brighton; when he asked Mr. Cundy to show him the line, stating that he was one of the trustees of a canal through which he was afraid the line would pass and was bound by his oath as a trustee to preserve the canal. Mr. Cundy showed him the line, when he stated it would be objected to by the trustees. His answer was, "Oh, Sir, we will buy your works of you." He said that, as to money, he did not want money, that he represented the great monied interest in Manchester, who were only anxious to get their capital employed, and that he was willing to buy the whole interest in the navigation of the canal. The allegations that were now made against him were made upon a totally different ground than the allegations of the hon. Member; there he was distinctly charged with having made an offer with regard to his own property for the purpose of protecting his own interest. Now, he would state positively, that although the proposed measure would do him the greatest injury he had made no terms with any one, but had left it to arbitration. He believed he had done only that which it was his duty as a Member of that House to do; and he was convinced, upon the examination before the Committee, that Stephenson's line was the best one. As to Mr. Cundy's line, it was a down right farce. The hon. Baronet then mentioned that a portion of Mr. Cundy's plan was to cut through Boxhill, to stop up the river Mole, and cut a channel for it within a few yards of the country seat of a lady, the widow of a gentleman who had once the honour of a seat in that House. The hon. Baronet concluded by saying, that had he taken the part he was said to have taken he should not be fit to retain his seat as a Member of Parliament; and had he not taken the part he had as trustee he should be unworthy the trust reposed in him, and should have failed to make that exertion which by oath he was compelled to make. In the full conviction of the honour and justice of that House he felt assured he took his seat without any blemish upon his reputation.

The *Chancellor of the Exchequer*, adverting to the terms of Sir C. Burrell's letter of the 8th March, 1835, said, that the hon. Baronet spoke only of the line of conduct he should pursue as a trustee. He expressed his strong disgust and indignation at this attempt to impugn the character of the hon. Baronet.

Sir *G. Strickland* admitted at once that

Sir C. Burrell had done nothing derogatory to his character, but urged that an inquiry, by Committee, was due to Mr. Cundy, who had not been able at the bar to enter into some necessary details for his own vindication.

Sir *R. Peel* thought, that a dangerous precedent would be established if unfounded allegations were allowed to be made as to the motives of Members of that House.

Mr. *Hume* begged to remind the right hon. Baronet that the circumstances referred to in the petition arose out of a former transaction, and were not brought forward for the purpose of inculpating any hon. Member of that House.

Mr. *Poulett Thomson* thought the petition a mere attempt to bolster up a case which had failed to be made out before the House, and hoped it would not be received. The House would do best, in his opinion, by putting an end to the matter.

Mr. *Warburton* hoped his hon. Friend would withdraw the petition.

Petition withdrawn.

CHARITABLE TRUSTEES BILL.] The House went into Committee on the Charitable Trustees Bill.

Clauses 1 and 2 were agreed to. On clause 3,

Mr. *W. Praed* moved an Amendment, giving to the freemen in corporate towns the right of voting jointly with the burgesses in the election of charitable trustees. Although he objected to the principle of subjecting the administration of charitable trusts to popular election, yet, as this principle had been adopted by the House, he felt justified in now endeavouring to increase the constituent body by adding to it those who were most interested in the due and proper administration of the charity funds.

Mr. *Vernon Smith* felt it his duty to object to the Amendment, which would go the length of admitting the recipients of the charities to the right of voting for trustees. He thought this had been admitted by all sides to be objectionable. The Amendment would require a complete new machinery in respect to the registration of the electors under this Bill, and on all these grounds he must oppose its adoption.

Mr. *Williams* (Coventry) supported the Amendment proposed by the hon. and learned Member for Yarmouth.

The *Solicitor-General* opposed it. The proposition would require the construction of complex machinery to carry it into effect. Nothing could be fairer or more just than to leave the election of charitable trustees in the hands of the burgesses who represented the interests of the town with which they were connected.

Mr. *Hume* thought it would be better to leave the clause as it stood, which carried out the principle of the Municipal Reform Act, than to adopt the Amendment.

Sir *Robert Peel* supported the Amendment. He contended that no difficulty like that suggested by the hon. and learned Solicitor-General could arise. The machinery was complete as to the registration of the freemen and of the burgesses under the Municipal and Parliamentary Reform Acts. The political franchise had been reserved to the freemen, and no reasons had been given for depriving them of the privilege of exercising their right of voting in a minor, but to them important, matter—viz., the regulation and administration of funds and property in which, personally, they were interested. If those funds were to be managed under popular election, why should not those most interested in that management have a voice in that election? The adoption of the Amendment would not weaken that security which justly was required for the proper administration of the funds, yet, at the same time, would give great satisfaction to a very considerable class of persons.

Lord *John Russell* did not oppose the Amendment on the ground of the necessity of new machinery to carry it into effect, for he admitted to the right hon. Baronet opposite that the existing freemen's roll, with some minor alterations, would effect that object; but he objected to it because he thought the freemen were not the fittest persons to be intrusted with the power of electing trustees. It had been said, their political rights had been reserved to them. True, and that reservation was made on the ground that those rights had been long enjoyed by them, and that no sufficient grounds had been made for their disfranchisement. But this reservation afforded no argument in favour of the present Amendment, which went to confer upon them rights they never had enjoyed or possessed. From the Reports of the Commissioners it appeared, that nearly three-fourths of the freemen were not even rate-payers; were for the most part poor men, and were a body to whom he was not disposed to give the power of controlling in any way the administration of the charitable funds in which they were interested.

Mr. *Harvey* was astonished that the advocates of popular rights should, in this instance, endeavour to narrow those rights, and he could not understand why it was, that the freemen were in such bad odour with those who were called the friends of the people. He would tell the House that there was more real moral courage in the class now so much reprobated than in that body whose qualification lay only in the amount of their property. It was not correct to assert that the freemen were not interested in the charitable funds, and it was but just, therefore, that they should have a voice in the election of those to whom the administration of those funds was intrusted. If not, there would be a constant struggle between the electors and the elected under this Bill to free themselves from the local burthens of the borough by the application of charity funds to borough purposes. He, therefore, did not think the Town-councils the fit persons in whom to vest the election of trustees; on the contrary, he thought that the power ought to be intrusted to a strictly independent body. He thought it would be much more likely to secure a due administration, if this Bill were allowed to stand over, in order to afford time for a more mature consideration of its provisions. At all events he could see no grounds why freemen should be excluded. It was but a poor compliment to those Members whose constituents were in part composed of freemen, to say to those freemen, that though they were fit to exercise a judgment in the selection of the trustees of the nation's interests, yet that they were poor, worthless, and unfit to be intrusted (being denounced as paupers themselves) with any, the most remote, participation in the selection of the guardians of their own personal interests.

The Committee divided on the original motion:—Ayes 65; Noes 48; Majority 17.

The remaining clauses of the Bill, after two other divisions and several verbal amendments, were agreed to. The House resumed. The Report to be received.

Polls for County Elections.] On the motion of Lord John Russell, the Order of the Day for resuming the adjourned debate on the Polls for County Elections' Bill was read. On the question that the amendment be read a second time,

The Marquess of *Chandos* wished to know how long the poll was to remain open.

Lord *John Russell* replied, that it would be open from eight o'clock in the morning till five o'clock in the afternoon.

The Marquess of *Chandos* reminded the House, that during some parts of the year, it would be quite dark before the poll would close. He protested against the electors being compelled to poll in the dark.

Mr. *Hume* believed that, practically speaking, very little polling would take place after four o'clock.

Mr. *Lechmere Charlton* moved that the further consideration of the Report be postponed for six months.

Lord *John Russell* said, if the noble Marquess thought it better to begin polling at seven o'clock instead of eight, and to close at four o'clock, he would not object to such alteration.

The House divided on the original question that the Report be received:—Ayes 88; Noes 43; Majority 45.

The Report brought up.

On the question that the amendments be read a second time,

The Marquess of *Chandos* moved, that the power of appointing polling places should be vested in the Magistrates at Quarter Sessions, instead of the Secretary of State for the Home Department.

The House divided on the amendment:—Ayes 40; Noes 101; Majority 61.

The Earl of *Lincoln* moved that the clause be omitted.

The House again divided:—Ayes 53; Noes 91; Majority 38.

Sir *Thomas Fremantle* moved that the provisions of the Bill should not apply to elections taking place between the 1st of November and the 1st of March in every year.

Lord *John Russell* said, he would have no objection to limit the period to two months, if the election should occur in the winter.

The House again divided on the amendment:—Ayes 50; Noes 92; Majority 42.

Report agreed to.

List of the Ayes *on the First Division.*

Adam, Sir Charles
Aglionby, H. A.
Astley, Sir J.
Bagshaw, J.
Baines, Edward
Baring, F. T.
Beauclerk, Major
Bernal, Ralph
Bewes, Thomas
Blake, Martin Joseph
Blamire, William
Bowes, J.
Bowring, Dr.
Brotherton, J.
Buller, C.
Burton, H.
Callaghan, D.
Chalmers, P.
Curteis, E. B.
Dalmeny, Lord
D'Eyncourt, right hn. C. T.
Donkin, Sir R.
Elphinstone, H.
Ewart, W.
Fergusson, rt. hn. R.C.
Fielden, J.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Folkes, Sir W.
French, F.
Gordon, R.
Grey, Sir George
Hall, B.
Hardy, J.
Harland, W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Hindley, C.
Hobhouse, right hon. Sir J. C.
Howick, Lord Visct.
Hume, Joseph
Humphery, J.
Hutt, W.
Labouchere, right hon. Henry
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lynch, A. H.
M'Namara, Major
Moreton, hon. A. H.
Murray, right hon. J. A.
North, F.
O'Connell, M.
O'Loghlin, M.
Palmerston, Viscount
Parker, J.
Parrott, J.
Philips, Mark
Potter, Richard
Poulter, J. S.
Price, Sir Richard
Rice, right hon. T. Spring
Rippon, C.
Russell, Lord J.
Sanford, E. A.
Scholefield, J.
Seale, Colonel
Smith, R. V.
Smith, B.
Steuart, R.
Strutt, E.
Thomson, right hon. C. P.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
Townley, R. G.
Troubridge, Sir E. T.
Tulk, C. A.
Verney, Sir H.
Wakley, Thomas
Wallace, R.
Warburton, H.
Williams, W.
Wood, Alderman
Young, G. F.

TELLERS.
Mr. F. Maule
Mr. C. Wood

List of the Noes.

Alford, Lord Viscount
Arbuthnot, hon. H.
Barclay, C.
Beckett, right hon. Sir J.
Blackstone, W. S.
Bonham, R. F.
Bramston, Thomas W.
Brownrigg, S.
Buller, Sir J. Y.
Burrell, Sir C.
Campbell ,Sir H.
Canning, right hon. Sir S.
Chandos, Marquess of
Corbet, T. G.
Dick, Q.
Duffield, Thomas
Eaton, R. J.
Forster, C. S.
Fremantle, Sir T.
Gladstone, W. Ewart
Gordon, hon. W.
Gore, O.
Goulburn, rt. hon. H.
Hale, Robert Blagden
Halford, Henry
Hamilton, G. A.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lincoln, Earl of
Lowther, hon. Colonel
Lowther, Lord Visct.
Lygon, hon. Colonel
Palmer, R.
Palmer, George
Perceval, Colonel
Price, S. Grove
Scarlett, hon. Robert
Shaw, rt. hon. Fred.
Sibthorp, Colonel
Trevor, hon. G. R.
Vere, Sir C. B.
Vesey, hon. T.

TELLERS.
Mr. A. Trevor
Mr. Charlton

Inns and Alehouses.] The House went into Committee on the Inns, Alehouses and Victualling-houses Bill.

Colonel *Sibthorp* objected to the Bill, *in toto*, and moved that the Chairman do report progress.

The Committee divided:—Ayes 5 Noes 86; Majority 81.

On Clause 6,

Mr. *Ewart* proposed an amendment, that public houses should be kept closed until one o'clock on Sundays, and then be allowed to remain open.

The Committee divided on the amendment:—Ayes 39; Noes 20; Majority 19.

Remaining clauses of the Bill agreed to

The House resumed.

HOUSE OF LORDS,

Wednesday, July 27, 1836.

Minutes.] Bills. Read a second time:—Land Tax Commissioners Names; Postage on Newspapers.—Read a third time:—Insolvent Debtors; Insolvent Debtors (India); Post-Horse Duties; and Administration of Justice (New South Wales).

Petitions presented. By Lord Mostyn, from various Places for the Better Observance of the Sabbath.

HOUSE OF COMMONS,

Wednesday, July 27, 1836.

Minutes.] Petitions presented. By Mr. Arthur Trevor, from Dalton-le-Dale and Hustanworth, against Ecclesiastical Duties and Revenues' Bill. — By Sir John Beckett, from Hasey, Epworth, Owston, Belton, for Common Fields' Inclosure Bill.—By Mr. Chalmers, from Montrose, against Municipal Corporations' (Scotland) Bill.—By Sir John Hobhouse, from the European Inhabitants of Bombay, for the Adoption of Measures to facilitate the Communication with India by Steam.

The New Poor Laws.] Mr. *Walter* said, that he had been intrusted with a Petition from Magistrates, Clergy, Owners and occupiers of land, Guardians of the Poor, and inhabitants of the parish of Petworth and the neighbouring parishes, in the county of Sussex. The object of the petition was to deprecate the harsh manner in which the new Poor-law was enforced in that important district. The petitioners stated themselves to be all rate-payers, and therefore the money for the humane relief of the poor must come out of their own pockets. The grievance of which they complained came, perhaps, under but one head, namely, the order recently issued by the Poor-law Commissioners, forbidding any out-door relief whatever to be given to the families of able-bodied labourers: but that grievance was one which passed through every gradation of cruelty—

The *Speaker*, interrupting the hon. Member, observed, that he should confine himself to a statement of the substance of the petition and the prayer of it. Such was the rule laid down by the House.

Mr. *Walter* said, that he should be most unwilling to transgress any of the rules or regulations of the House. It struck him, however, that other Gentlemen had been permitted to accompany the petitions they presented with observations in illustration of the statements contained in them.

The *Speaker* repeated, that the hon. Member should only state the substance of the petition.

Mr. *Walter* proceeded to say, that the petition stated with truth, that at the time when the present body of industrious labourers with large families first married, the law and practice were, to afford relief in proportion to the number of children they had beyond those whom they could maintain by ordinary labour. In fact, every incitement was at that day held out to industrious labourers to marry. For example, it was said in that House by Mr. Pitt, "Let us make relief, in cases where there are a number of children, a matter of right and an honour, instead of a ground for opprobrium and contempt. This will make a large family a blessing, and not a curse; and this will draw a proper line of distinction between those who are able to provide for themselves by their labour, and those who, after having enriched their country with a number of children, have a claim upon its assistance for their support." And Mr. Whitbread, though opposed to Mr. Pitt in politics, said, "As to the particular case of labourers who have to provide for a number of children, the wisest thing for Government, instead of putting the relief afforded to such on a footing of charity, supplied perhaps from a precarious fund, and dealt with a reluctant hand, would be at once to institute a liberal premium for the encouragement of large families."

Mr. *John Parker* rose to order. He submitted that the hon. Member had no right to go into these general statements on the presentation of a petition.

Mr. *Walter* said, that he had only referred to these statements in explanation of what had been the law and the practice on this subject formerly. But now, the law and practice turned round upon these unhappy industrious people, and forbade all relief to them except such as they should receive when immured in the prison of a district workhouse, in which they were to go to bed at this time of the year at eight o'clock in the evening, the husband to be separated from his wife, and the children, except perhaps such as were at the breast severed from their parents. The petitioners had already applied to the Poor-law Commissioners themselves for a relaxation of this atrocious and unnatural order; and, procuring no relaxation of it from them—no relief to the victims of it from them—to whom could they fly but to that House—the representatives, he hoped he might still say, of the poor and the oppressed? In addition to the petition, he had also received a letter from a gentleman of the first respectability in the parish, of which he would read a part, as necessary to the better understanding of the case:—

> "I shrink with horror from the cruelties which are now being practised upon my poor fellow-parishioners, and trust that the most prompt steps will be taken to cause a relaxation in the rules laid down by the Commissioners; being convinced, that if they are adhered to, numbers around me must perish ere the close of the next winter, either by want, or by those fruitless attempts at resistance to which they will be goaded."

The *Speaker* must again remind the hon. Member, that he was infringing that rule of the House which required that he should only state the substance of the petition and the prayer of it.

Major *Beauclerk* said, he wished to say one word with regard to the rule in question. He seldom addressed the House, but, nevertheless he was anxious that this rule should be properly understood. He had observed upon late occasions some Gentlemen speaking for two hours together in presenting petitions, and others, on similar occasions, making orations of not less than an hour's duration. Now what he wished to know was, whether it was to be understood, that no gentleman should make a speech on the presentation of a petition, but should limit himself strictly to a statement of the substance and prayer of it. If the rule was to be so understood and so enforced, he was perfectly ready to assent to it; but he must object to the practice of allowing Gentlemen one day to make speeches on petitions, and then on another day preventing hon. Members from speaking at all on a similar occasion.

The *Speaker*: I have endeavoured, as far as it was practicable, to adopt and enforce the rule laid down by the House on the subject. That rule is, that if a petition be presented referring to a subject before the House, the hon. Member presenting it should confine himself to a statement of the substance and prayer of such petition. There is, however, a class of petitions often presented to the House, complaining of individual grievances, and not relating to any general public matter before the House. It is the pleasure of the House, in regard to these petitions, that the hon. Members presenting them should be allowed to go into a statement of the facts and arguments connected with them. As far as I am able, I have endeavoured to enforce the rule in the manner I have stated. The rule has been adopted by the House for the public convenience and for the despatch of business, and it is very important that it should be adhered to in practice.

Mr. *Walter* said, that he should not have occupied the time of the House for more than five minutes in presenting this petition, if he had been allowed to proceed without interruption. It appeared from the statement contained in this letter, that the Board of Guardians had refused to act; and it would be impossible for him to do justice to the case of the petitioners unless he was allowed to state the circumstances connected with that fact. The hon. Member proceeded to read the letter as follows:—

"One rule sent down by the Board of Guardians is, that no relief be granted to any able-bodied labourer after the 21st ult., however large his family may be; and the only alternative held out, except starvation, is, that the elder children may be sent to one workhouse—the man and his wife, with the younger children, to another; but then in this other the man and his wife are to be kept apart by stone walls. Another rule also is, that no medical relief is to be afforded to the wife or children of an able-bodied man, because relief to them is relief to him. If he is himself ill, the medical officer is to attend, but his wife and children are to be left to die. The guardians of the Petworth Union have strongly remonstrated against the first of the above orders; have begged to be allowed a discretionary power in extreme cases of taking some of the children into the poor-house, and this, their reasonable request has been absolutely refused. They met yesterday, and unanimously resolved not again to form a Board, or in any way to make themselves the instruments of such unheard-of cruelties. More than thirty women attended the Board yesterday with cries and lamentations, and praying that relief which the guardians are not permitted to give. I suppose that it is in mere mockery they are called guardians."

And the same gentleman had since written to him as follows:—

"Daily cases of great suffering are brought forward; one was mentioned to me to-day, of a person lying forty-eight hours in excruciating torture, for want of that medical aid which was refused to be ordered for him by the relieving officer, and which was at length bestowed gratuitously by a medical man of this town, who lives out of the union in which the poor creature was thus relieved, from motives of mere compassion. Under the present system of medical treatment, or rather lack of treatment, many must die. First, the relieving officer is to be found—he may be miles away; then the medical men, who may be as far off in another direction. Meanwhile the father or mother of a large family is dying in agony, or seeing one of their children in that state."

He (Mr. Walter) should only add to these statements, that they came from a gentleman who had no original objection to a change in the administration of the old law.

The *Speaker* wished to know whether this letter formed any portion of the petition?

Mr. Walter replied in the negative.

The *Speaker* said, that if the hon. Member wished to produce a general discussion on the subject of the Poor-laws, the course for him to pursue was to present this petition, to move that it be printed with the votes, and then to give notice of a day for taking it into consideration.

Mr. *Walter* said, that though, from the unwillingness of the House to hear all that could be fairly said on this subject, he must omit much of what he had intended to state, this he would say, that Lord Althorp had expressly declared in that House that it was not intended to do away with out-door relief in all cases. How far the practice had failed to coincide with that noble Lord's professions, the petition which he should now have the honour to present painfully attested. It was signed by two magistrates, by the rector of Petworth, by six other clergymen of the neighbourhood, by thirteen guardians of the poor, and nearly 300 rate-payers; and he (Mr. Walter) believed that no petition had ever been presented which, from the severity of the evils denounced by it, and the character and station of those who denounced them, more thoroughly deserved the attention of the House.

Major *Beauclerk* had been requested to support the prayer of this petition, and he looked upon it as one that was eminently deserving of the serious attention of the House. The fact was, that this subject was attracting the attention of the people all over the country. It was well known that a petition most numerously signed had been transmitted, within the last few days, from the town of Leicester to the noble Viscount who was at the head of his Majesty's Government. The petition in question was signed by thousands, and the petitioners did not send it to that House because they had observed, that whenever the question of the Poor-laws was introduced there, the subject excited the distaste and impatience of hon. Members. The discussion that had arisen on the present occasion would certainly tend to strengthen that impression. He had repeated applications on the subject from medical men, who were not able to perform the duties assigned them in the districts for which they had contracted. They all concurred in expressing their readiness to do all in their power to meet the wants of the poor, but they submitted that, in the matter of medical aid the Legislature should not be stingy towards the poorer classes, who were not able to provide such aid for themselves. He fully concurred in that opinion, and he thought that common justice to the people of this country required that the administration of the Poor-law Act should be altered and amended.

Lord *George Lennox*, as one of the Representatives of that part of Sussex from which this petition came, might be expected to have something to say upon the subject. He, however, knew nothing of the petition, or of the intention of the hon. Member to present it, until the present moment, and the hon. Member had given him no notice whatever of the contents of it. He felt that he had a right to complain of that circumstance, as, had he previously known the statements in the petition, he might have been able to make an inquiry on the subject, and to give an explanation of them.

Mr. *Wakley* said, that it was with regret he saw that the complaints of the poor met with such a reception in that House from a liberal Parliament, and a liberal Ministry. If such was to be a sample of what they were to expect from them hereafter, he would say that the sooner there was an end to such a liberal Ministry the better. When the sufferings and grievances under which the poor laboured were brought before the House, the greatest impatience was manifested by hon. Members. Now, he felt it his duty to protest against such a course of proceeding. He recollected that the other day, when a petition was presented from three individuals, who had been officers in the East-India Company's service, there was a discussion that lasted for an hour and twenty minutes. When, however, the poor came before the House, the utmost impatience was manifested at their complaints, and the hon. Member who had their petition in his charge was scarcely able to obtain a hearing. It appeared to him that such conduct was anything but creditable to the character of the House. The complaints as to the administration of the Poor-law Act, were universal throughout the country. He would give some which had reached himself. He was informed, that in the union of Stowmarket, there being two old persons in the workhouse, husband and wife, of whom the husband was blind, the wife was not allowed to attend her decrepit old partner on his death bed until a special order came down for the purpose from the Poor-law Commissioners in London. Another fact was, that a woman who was neglected by the medical man employed by the union for the space of two months, sent for another practitioner to attend her. The Poor-law officer shortly afterwards called upon her, and desired to know who it was that she had employed; and on her informing him, he told her, that unless she employed the person selected by the union, her relief should be suspended. She was obliged accordingly to do so. The disease with which she was affected was one of great bodily suffering, and yet she was obliged to give up the medical attendant of her choice. Unless she had done so she would have been consigned to starvation. Practices such as these would not be long endured by the people of this country, and it would be a disgrace to the Legislature if it did not interfere for their protection.

Mr. *Hume* wished to know whether his hon. Friend knew of these facts of his own knowledge. He was as anxious as any man could be to see the Poor-law Act administered with leniency and humanity. He would submit to his hon. Friend, and to the hon. Member who had presented the petition, that if such serious charges against the Poor-law Commissioners came under their notice, let them move for an inquiry on the subject, and he would second the motion. But he would appeal to both hon. Members, whether they were not liable to be led astray by the representations of interested parties. He thought that the informations given to his hon. Friend, the Member for Finsbury, would, upon inquiry be found not to be correct. He was satisfied that whenever the question came under discussion, the conduct of the Poor-law Commissioners would be borne out and justified by facts.

Mr. *George F. Young* said, he would recommend the hon. Member for Berkshire to fix a day for bringing the subject of the petition he had presented under the consideration of the House.

Mr. *Wakley* said, that the statement he had made to the House had been communicated to him by the medical man who had been in attendance on the poor woman. He would furnish his name and address to the noble Lord, the Secretary of State for the Home Department.

An hon. *Member* said, that he should have a petition to present on the subject of the Poor-laws on Friday, and he now wished to know from the noble Lord, whether an order had been issued by the Poor-law Commissioners to the effect that the windows in the workhouses should be made so high that the inmates could not see out of them?

Lord *J. Russell* was not aware that any such order had been made; indeed, if it had, it would have come under his notice as one of the general rules. He would take this opportunity to say a word as to the statement of the hon. Member for Finsbury. He should certainly have an inquiry instituted into the facts of that statement. He must say, however, that even upon the hon. Member's own showing there was not that in it which he seemed to think. One of the general rules made by the Poor-law Commissioners was, that husbands and wives should be separated in workhouses. Surely it was necessary, when an exception was to be made, that there should be a special order for it. In the case also, it was one of the rules that the poor receiving relief must be attended by the medical man employed by the union. Where an exception was to be made, a special order would be also requisite for the purpose.

Mr. *Bonham* said, that the House was greatly indebted to the hon. Member for Berkshire for bringing this subject under its notice. He hoped that the hon. Member would not stop there, but that he would appoint an early day for a discussion of the question. He also hoped that his Majesty's Ministers would give the hon. Member an opportunity to bring the matter forward. He said so, because it was in the power of Ministers, at this period of the Session, to prevent a discussion on the subject if they chose.

Mr. *Arthur Trevor* said, that facts analogous to those stated by the hon. Member for Finsbury had been brought under his notice in respect to unions in the north of England. The subject was one that the House must take up.

Mr. *Wilks* also hoped, that the hon. Member for Berkshire would fix a day for the discussion of this subject. Though the petition had been signed by labourers alone, it would be entitled to the serious attention of the House; but it was signed also by the magistrates, clergymen, and other respectable persons of the district. He repeated, therefore, that it merited the serious attention of the House. Innumerable complaints had reached him from all parts of the country with regard to the conduct of the Poor-law Commissioners, who violated the principles of religious liberty, and imposed taxes on parishes for the support of the Church. These Commissioners had taken upon them to do that which no Ministry would venture to do, and which no Legislature would dare to do. He trusted that the Session would not close without a discussion on the subject.

Mr. *Walter* said, that he should not fail to adopt the advice given him by Gentlemen on the opposite side of the House, and that he should certainly fix an early day for the purpose of bringing forward this subject in another shape. With regard to the complaint of the noble Lord (Lord G. Lennox), that he had not been made acquainted with the contents of the petition, he (Mr. Walter) had only to say that he had brought the petition down to the House every day for the last eight or nine days, that he had mentioned its contents to other hon. Members connected with the county of Sussex who sat on the same bench with the noble Lord, and that he had actually given notice of the presentation of the petition more than a week ago. He would now move, after the petition was laid on the table, that it be printed and circulated with the votes.

Petition to be printed.

COUNSEL FOR PRISONERS.] Messengers from the Lords returned the Prisoners' Counsel Bill, with amendments.

Mr. *Ewart* moved that the amendments be taken into consideration. The hon. Member proceeded to explain various amendments to which he did not recommend the Commons to offer any opposition; but there was another part of the Bill, and a very material part it was, which had been cut out of it—namely, that which established the principle that the accused person in the case of felony or misdemeanour should have the last word. That had been the very basis of the alteration of the law, and without that principle he thought that the ends of justice, and the dictates of reason and common sense would not be answered. The striking out this principle was to destroy the very essence of the measure; and, indeed, the circumstance of this alteration having been made, reminded him of the old saying of a thing being like the tragedy of *Hamlet,* with the part *Hamlet* omitted. The hon. and learned Member here read an extract from the Select Committee's Report, which declared, that the right of the prisoner's counsel to have the last word, and to give the concluding address, was one which was founded upon the principle of humanity. As the Bill now stood, however, it left the last word with the counsel for the prosecution; thus giving the counsel for the prosecution two speeches to the one for the defendant. The hon. and learned Gentleman here read the opinions of the then Attorney-General (Sir John Copley), now Lord Lyndhurst, as given in the year 1826, together with that of the Chief Justice of the Common Pleas (Sir Nicholas Tindal), both of which opinions were diametrically opposed to any such amendment as that which had been made by the House of Lords. Now he considered the principle of the Bill, if they sanctioned the amendment, would be so at variance with the dictates of common sense, that he felt it his duty to oppose it unless some proposition should nullify this amendment. He would move the rejection of the amendment which took away the right of the prisoner's counsel to have the last word.

Mr. *C. Buller* was of opinion, that much credit was due to the Lords for agreeing to the Bill in the shape in which it had been returned. He admitted, that the amendment, by omitting the second clause, was detrimental to the measure, and that the effect of it would be to throw great additional responsibility upon the counsel for a prisoner, as well as upon the judge. It was, however, in his view, easy to remedy the evil, by adopting the amendment of the Lords, and omitting the clause, still left in the Bill, regulating the mode of proceeding; thus leaving that matter to the discretion of the judge, provided that the counsel for a prisoner was to be allowed to address the jury last. The hon. Member suggested an amendment to that effect.

Sir *Frederick Pollock* adverted to the length of time this question had occupied his attention, and gave it as his opinion, that it would be better to leave the law as it stood, giving a prisoner the benefit of the sympathy of the jury at the hardship of his case, than to pass the Bill as it had been amended by the Lords. He objected to any bill which, in the employment of counsel, did not put felony and misdemeanour on the same footing; for, as the present Attorney-General had well observed, the distinction was often so trifling, that the treatment of the accused party in both instances should be the same. He adverted to the heavy responsibility under which counsel now laboured, since they were frequently afraid to call witnesses, and thereby appeared to neglect the case of the client, lest they should give the prosecutor the advantage of a reply. In cases of civil right, injustice was sometimes done, because the counsel for the plaintiff had a privilege to answer the case of the defendant; there the reason was, that the plaintiff was interested in the verdict; but in prosecutions no party was so interested, and there was no ground for giving the prosecutor the last word. As to the objection that the Bill as it stood, before it was altered by the Lords, would occasion four speeches on every trial, he maintained, that in ninety-nine cases out of a hundred, not more than two speeches would be delivered; the prosecuting counsel would open the case, and the defending counsel would state the answer to it; but the prosecuting counsel would very seldom reply, knowing that thereby he should give the defending counsel the right of being heard again. It seemed to him that the Bill, as it now stood, was worse than nothing. He trusted, therefore, that the Bill would not be adopted in its present shape, or that any amendment would be agreed to which, while it was meant to remove the defects of the law with regard to felonies, left those untouched which related to misdemeanours.

Mr. *Poulter* was decidedly opposed to the Bill, and thought, that all the arguments which had been urged against it were unanswered. He still felt, however, that if the existing law were altered, that the prisoner ought to be allowed the last word.

Mr. *O'Connell* fully and entirely concurred in the views of the hon. and learned Member for Huntingdon (Sir F. Pollock). This Bill contained a great deal of useful matter, even as it came down from the House of Lords, particularly as regarded that part of the United Kingdom with which he was connected, and his testimony to the fact, might be considered of some importance, as he had had more experience, he thought he might safely say, in the proceedings of the criminal law in Ireland, than any of those barristers who were of the same standing with him. There was one part of the Bill which would be of the greatest importance, namely, allowing the depositions to be inspected by the prisoner. That provision he would be glad to see passed into law; but if the amendment of the Lords which took away from the prisoner the last address to the jury, were insisted on, he owned that he could only make a selection, and determine to vote for the rejection of the Bill altogether. The present state of the law was anomalous and unjust; but the change which had been proposed would only aggravate the evil. He at once rejected, as untenable, the argument that the adoption of the principle of this Bill, as it had been originally introduced, would cause loss of time. If there were not a sufficient number of judges to perform the business, they ought to make more; but the plea of loss of time ought never to be heard of, when such a charge as that of felony and misdemeanour, were brought against any individual. He only rose for the purpose of expressing his decided conviction that the law, as proposed to be altered, would be worse than it stood at present; and unless they determined to give the last word to the prisoner, they ought not to give him any at all.

Mr. *Maclean* said, that though he had opposed this Bill when before that House, his opinion had since been much shaken with regard to it. He thought it was a debt which they owed to the House of Lords, and particularly to one of its Members, who was amongst the first legal authorities in the kingdom, that the Bill, as amended by them, should be allowed to have a fair trial. He must declare it to be his opinion, however, that if they did not give the last word to the prisoner, they would not render him that effectual assistance, which the Bill proposed to give him.

Mr. *Parker* hoped that some arrangement might be entered into between the two Houses of Parliament, for the purpose of securing the benefits which must result from the passing of such a Bill as the present.

Mr. *Hardy* submitted, that if they left the prisoner the last word, they imposed upon the judge the necessity of pointing out the fallacies for doing away with the impression produced by any of the specious arguments conveyed in the speech of the counsel for the prisoner, and thereby subjected the judge to the imputation of acting with unfairness, or compelled him to express his views on the evidence in such a manner, as to induce the opinion in the minds of illiterate jurors of the prisoner's guilt. He trusted, that the amendment of the Lords would not be rejected.

Mr. *Strutt* could not agree with the amendment which had been made in this part of the Bill by the House of Lords, but concurred in the opinion expressed by some hon. Member who had preceded him, that some opportunity might be taken of arranging the differences which existed between the two Houses with respect to this measure.

Sir *Thomas Fremantle* thought that the question which had been raised on this clause was a new one, and ought not to be suffered to impede the progress of this Bill.

Lord *John Russell* thought the preferable course would be to do that which had been done on many former occasions—namely, to send the amendments to a Select Committee, with the view of, if possible, devising some plan by which the differences between the two Houses may be reconciled, and the Bill eventually pass into a law. He begged to move accordingly.

Mr. *C. Buller* would, under such circumstances, withdraw his amendment.

Mr. *Ewart* protested against the course suggested by the noble Lord. The measure had been already quite sufficiently considered in a Select Committee of that House.

The amendment of the noble Lord agreed to.

Committee appointed.

Hackney Carriages Bill.] Alderman Wood moved the Order of the Day for the Committee on this Bill.

Dr. Bowring moved, as an amendment, the postponement of the Committee for six months.

The House divided on the amendment:—Ayes 5 Noes 45; Majority 40.

The House resolved itself into Committee.

Mr. *Wakley* having declared his determination to use every means in his power to oppose a measure so unfit to secure the object which it professed to have in view, moved as a proviso to one of the clauses, that to the back of every carriage drawn by one or two horses, and not being a hackney carriage or a metropolitan stage, a board should be affixed, with the name and residence of the proprietor painted in golden or yellow letters of an inch in length, on a purple ground. The hon. Member however did not persist in his amendment.

The Committee divided on the question that the clause stand part of the Bill. Ayes 32; Noes 4; Majority 28.

House afterwards counted out.

HOUSE OF LORDS,

Thursday, July 28, 1836.

Minutes.] Bills. Received the Royal Assent:—Post-Horse Duties; Insolvent Debtors; Insolvent Debtors' (India); Sale of Bread; Entail Relief (Scotland); Judicial Ratification (Scotland); Commissary Court (Edinburgh); Excise Licenses' (Ireland); Arms' (Ireland); Constabulary Act Amendment (Ireland); Turnpike Roads' (Ireland); Administration of Justice (New South Wales); Antigua, &c. Indemnity; Judges' Chambers;—Read a third time—Church of Ireland.—Read a second time:—Exchequer Suits in Equity.—Read a first time:—Poole Corporation. Petitions presented. By the Bishop of Exeter, from Nairn, against Universities' (Scotland) Bill.

Price of Coals.] The Marquess of *Londonderry* rose to move for certain returns, to the production of which he believed there would be no opposition. By the Act of the 10th of George 4th, cap. 136, it was provided, that an account should be annually laid before Parliament of the receipt and expenditure of monies derived from a tax on coals, levied to defray the expense of forming approaches to the new London-bridge. That work had been completed; but he understood that it was intended, by a Bill introduced elsewhere, to continue the tax, for the purpose of enabling the Corporation of London to repair and widen Brackfriars-bridge. In order to enable their Lordships to judge of the enormous amount of money which under the Act he had alluded to was taken out of the pockets of the consumers of this most necessary article, he should merely state, that in the year 1835 the city of London received from the tax of 8d. per ton no less than a sum of 76,753*l.* In addition to that, there was 4*d.* per ton metage, and 1*d.* per ton commuted market due, amounting to 48,000*l.*, and making a gross total of 124,753*l.* Now, if this tax were to be continued for the repairing of Blackfriars-bridge, it might, when that work was finished, be still further continued to defray the expense of some other improvement in the city, and it was for their Lordships to consider whether it was proper that such an impost should be levied for an indefinite period. As an individual, he had nothing to say to the arrangement; but it was right that the public should be aware of the cause of the high price of coals, which was so much complained of. There was, in fact, an increase of nearly 180,000*l.* between the charge made by the proprietors of this commodity and that which was paid by the consumers. The noble Marquess concluded by moving for the returns.

Motion agreed to.

Marriages.] The House then resolved itself into a Committee on the Marriages Bill.

On Clause 21,

The Bishop of *Exeter* objected to the form of declaration described in the clause, as not setting forth that the marriage contract was of a religious nature, and indissoluble in respect to its obligations. Hitherto, marriage had always been considered as a sacred and religious ceremony; and at the time of the Usurpation a most solemn formula was established, which was to the following effect:—"I, A. B., do hereby, in the presence of God, the searcher of all hearts, take thee, C. D., to be my wedded wife, and I do solemnly promise, before God and these witnesses, to be unto thee a loving and faithful husband." A similar form was adopted still by the Quakers and other sects He was of opinion that nothing ought to be done to reduce the sanctity of that ceremony; but he feared that the laxity of the proposed law would reduce it to the same state as it was in France. Words ought to be introduced into the clause to express the sacredness of the contract, and that it was indissoluble in its nature. He therefore proposed to substitute, for the declaration in the clause, the following declaration:—"In the presence of Almighty God and these witnesses I., M., do take thee, N., to be my wedded wife, to live together according to God's holy ordinance; and I do here, in the presence of God, solemnly promise before these witnesses to be to thee a loving and faithful husband during life."

Lord *Ellenborough* objected to the amendment. There was a clause in the Bill already providing for the religious solemnization of the contract; and if the amendment were carried, the effect would be to establish two religious forms.

Viscount *Melbourne* said, the amendment would destroy the very object of the Bill, which was to provide relief for a class of persons in this country who considered marriage in the light of a civil contract only. The declaration was simply to inform the State what marriages were contracted, and by whom, without reference to any religious ceremony.

The Archbishop of *Canterbury* said, the words of the clause, as they stood at present, did not seem to imply any religious ceremony, which they ought to do. He should, therefore, support the amendment.

Lord *Holland* was in favour of the clause as it stood.

The Committee divided on the question that the original declaration in the clause be omitted, when there appeared—Content 19; Not Content 15: Majority 4.

On the question that the declaration proposed by the Bishop of Exeter be inserted,

Lord *Ellenborough* protested against the declaration introduced by the right rev. Prelate (the Bishop of Exeter), as being likely to be productive of great mischief to society generally, and especially to the Church.

The Bishop of *Exeter* gave credit to the noble Baron for a sincere attachment to the Church, but he thought him mistaken in estimating the consequences of the amendment. He (the Bishop of Exeter) believed that there was a very large body of persons not connected with the Establishment who would not scruple to make the proposed declaration. As to any mischiefs which might result from it, he was of opinion that the most mischief would accrue from adopting any proposition which would tend to reduce the sacred character of the marriage contract.

The Earl of *Ripon* entirely disagreed with the right rev. Prelate as to the propriety of introducing the words he had proposed, as they would give rise to great inconvenience, and would in fact most materially affect those very persons for whose relief the clause was intended.

The *Lord Chancellor* was satisfied that the declaration would be destructive of the great object in view, as it went to make the contract—which was only intended as evidence of a contract for civil purposes, without disturbing the present different modes of celebrating marriage according to each person's religious views,—they went to make it a religious contract,—a proposition which was utterly inconsistent with the object of the Bill.

Viscount *Melbourne* called upon their Lordships, before they divided, to reconsider this question. Indeed, as these words were likely to be fatal to the Bill, to counteract the object with which it had been introduced, and to prevent the good which it was intended to effect, he could not refrain from asking their Lordships to postpone the consideration of the right rev. Prelate's proposition until there should be a fuller attendance. With that view he should move that the House do resume.

The Committee divided on Lord Melbourne's amendment:—Content 15; Not Content 17: Majority 2.

The Bishop of Exeter's declaration was added to the clause, and the clause agreed to.

The remaining clauses of the Bill were agreed to. The House resumed.

List of the NOT-CONTENTS *on the first Division.*

Lord Chancellor
DUKE.
Wellington
EARLS.
Ripon
Shaftesbury
Rosslyn
EARLS.
Bradford
Minto

Liverpool
LORDS.
Ellenborough
Fitzgerald
Plunkett
Gage
Melbourne
Holland
BISHOP.
Bristol

List of the CONTENTS.

DUKE.
Cumberland
MARQUESS.
Cholmondeley
Bute
EARLS.
Abingdon
Brownlow

Harrowby
Mansfield
Doncaster (Buccleuch)
LORDS.
Carbery
Calthorpe
Sondes

ARCHBISHOPS.
Canterbury
Armagh

BISHOPS.
Cork
Lincoln
Gloucester
Oxford
Hereford
Exeter

The Earl of Doncaster did not vote on the second division.

HOUSE OF COMMONS,

Thursday, July 28, 1836.

MINUTES.] Bills. Read a third time:—Poole Corporation; Western Australia; Shire Halls.—Read a first time:—Kingston Harbour.

Petitions presented. By Mr. GULLY, from Heckmondwike, against Factories Act Amendments' Bill.—By Mr. EWART, from the Liverpool Royal Institution, for partaking with any other Institutions in the disposition of Duplicate Books of the British Museum.

TRINITY (NORTH LEITH) HARBOUR.] Sir *Andrew L. Hay* presented the Report of the Committee on the Trinity (North Leith) Harbour and Dock Bill. He said he wished to state broadly the circumstances under which the Committee reported that an "informality had occurred of such importance as to induce them to recommend the Bill to be withdrawn, otherwise it might become an improper precedent on future occasions. The manuscript copy of the Bill introduced into the House was different in some respects from the print which was afterwards circulated and which was referred to the Committee. Words had been then introduced in a way that the Committee considered informal; they would not permit the Bill in that shape to proceed, and therefore they agreed to report to the House that the Bill should be withdrawn, and another Bill introduced." He moved that a Bill be introduced to construct a Harbour and Dock in Leith.

The *Attorney-General* submitted whether the House would for a third time allow a Bill to be introduced. It was from very great indulgence that a second Bill had been allowed to be introduced in the same Session, especially when the informality had arisen from the gross negligence of the promoters of the Bill. He did not wish to charge anything beyond gross negligence. There was an unanimous vote that the Committee could not proceed with the Bill, and his hon. and gallant Friend was allowed to try his hand a third time. He trusted, however, the House would not, by permitting the introduction of this Bill, sanction such gross negligence. As the necessity for the third Bill had confessedly arisen from the negligence of the promoters of the other two, he hoped the House would at once reject it.

Mr. *Poulter* supported the motion for the Bill. The ground upon which the Committee had sanctioned the application for a new Bill was totally different from that stated by the Attorney-General, and he hoped the House would allow the parties to remedy that defect.

Sir *James Graham* said, the Committee could not have proceeded with the second Bill without doing great injustice to the merits of the case. He hoped the hon. and gallant Member would postpone his motion till next Session.

Sir *George Clerk* said, the Bill was one which, consistently with the rules of the House, could not be proceeded with. It would be one of the worst and most injurious of precedents, and he hoped it would not be sanctioned by the House.

The House divided on the Motion: Ayes 33; Noes 25: Majority 8.

Leave given. Bill brought in and read a first time.

TAX COLLECTORS.] Mr. *Wilks* presented a petition from assessed tax collectors of the metropolis and its vicinity, praying for compensation, in consequence of the great reduction in the assessed taxes that had taxen place since the 8th George 3rd. The collectors of assessed taxes received 3*d.* in the pound on the net amount of their collections. At the time the Act passed, the amount received for the assessed taxes amounted to 1,500,000*l.* In 1822 a considerable diminution was made in favour of the county in the assessed taxes, and by this and other things, considerable reductions had been made of the profits of the assessed tax collectors. They did not make complaints of that, but in 1834, the house-tax had been also removed, and the result was, that the amount now to be collected by the 300 persons who filled these important offices did not exceed 500,000*l.* a year; so that where they before received 74*l.* they now only received 32*l.* Yet still their duties were as great as before. Such being the case, the petitioners had made repeated applications to the different Governments, but they had been without effect; the present application had become necessary. The statement of the petitioners was, that they had only half the amount of revenue whilst they had at least the same amount of labour. Under these circumstances he hoped that his Majesty's Government would take the matter into consideration, and that they would be prepared with some measure of redress. If this were not done he should feel it his duty early in the next Session to move for certain papers on the subject.

Mr. *F. Baring* said, that he hardly knew what course they could pursue on this subject. He was very sorry that there should be any appearance of hardship towards the petitioners. The subject had been for a long time under the consideration of the Government; but there was this difficulty in the case, that if they acceded to the memorial that had been presented by the petitioners, they would be adding considerably to the expenditure of the public money.

Petition to lie on the Table.

POOR LAW AMENDMENT ACT.—PUBLIC BUSINESS.] Lord *J. Russell* said, in reply to a question, that it was his intention to move that the Poor Laws Amendment Bill be postponed for the present. The noble Lord moved the Order of the Day for the second reading of the Bill.

Mr. *T. Attwood* had some petitions to present, and hoped the House would allow him to present them.

The *Speaker* observed, that by a resolution of the House the public business was to be proceeded with at half-past four o'clock.

Mr. *Attwood* was not aware of any such arrangement.

Several hon. Members stated that they had petitions which they were anxious to present.

Major *Beauclerk* said, he wished most distinctly to deny the inferences which a morning paper had drawn from his speech of the previous night. He had not the slightest intention of casting any blame upon the Speaker.

The *Speaker:* I hope the House will allow me to state, on the present occasion, the course which I felt it my duty to pursue, and with regard to the propriety of which I am most desirous to have the opinion of the House. When I had the honour of being placed in the Chair, I found it a general complaint that much of the time of the House was occupied in the presentation of petitions; and I also found that the opinion of the majority of the Members of the House was against the practice of morning sittings, in which opinion I was, and still am disposed to concur. I wished, therefore, to discover some remedy for this evil, and I found that there was a Report of a Committee in 1833, which recommended a course to be taken with regard to the presentation of petitions,—which recommendation had never been adopted. On my assuming the Chair, I found the pressure of public business very great upon the House, while its time was much occupied with the presentation of petitions. I took upon myself, then, to adopt that course which, in my opinion, was best calculated to promote the general convenience; and to save the time of the House, I endeavoured to bring back the House to the practice which prevailed when I first entered Parliament; when petitions were presented without any discussion being had upon them. In making that attempt I was aware that I had undertaken an unpleasant and ungracious task, but I felt it to be my duty, and I have endeavoured to discharge it to the satisfaction of the House. It was my conviction that in recalling the House to the ancient practice of Parliament on this point, I was only performing my duty. The House has, on many occasions, appeared to me to have approved of the course which I have thus adopted. Last night I certainly was induced to doubt whether the House concurred in that course, when I heard hon. Members on both sides of the House recommend the hon. Member for Berkshire to persevere in making the observations he did on the presentation of a petition. The rule which I have endeavoured to enforce is this—that when a petition is presented referring to matters already before the House, and for the discussion of which a proper opportunity will hereafter arise, the hon. Member presenting it should confine himself to a statement of the substance and prayer of the petition, whether he concurs in the general measure to which it refers or not. But there is another class of petitions, which relate to cases of peculiar grievance and individual complaint. It appears to be the wish of the House not to shut the door against the discussion of the statements contained in such petitions, there being no other proper opportunity for bringing them under its consideration; and it seems to me, therefore, that it is the pleasure of the House that hon. Members should be allowed greater latitude in the presentation of such petitions. There is a third class of petitions

—where hon. Members wish to found motions upon them. The ordinary practice of the House in such cases is, that the hon. Member should present the petition, and have it printed with the Votes, on the condition that he at the same time give notice of the day on which he intends to bring the matter under the consideration of the House. Such are the rules and regulations I have endeavoured to enforce, and having stated the reasons which have induced me to adopt them, I now leave the matter in the hands of the House. If the House be satisfied with the course I have pursued, I am sure a continuance in it will tend to the convenience of the House and to the despatch of business. If, on the contrary, the House thinks that some other course should be adopted, it will still be necessary to limit the period for the reception and discussion of petitions.

Mr. *Thomas Attwood* thought, that the strict enforcement of such a rule would interfere with the presentation of the people's petitions, and that they would virtually be rejected.

Lord *John Russell:* In my opinion, the practice that has been adopted by you, Sir, has superseded a very inconvenient practice in the proceedings of the House. The greatest inconvenience formerly arose from the practice of hon. Members not contenting themselves with stating the substance and prayer of a petition, but entering into long discussions on general subjects with which perhaps, they had little connexion. I am sure that the House is unanimous in its feeling as to the propriety and necessity of putting an end to such a practice, and I am equally u re that we all feel indebted to the Speaker for the course he has adopted. If some such rule be not enforced, one or two petitions may take up a whole evening, and we shall then be obliged to come back to the practice of allowing the presentation of petitions until nine or ten o'clock at night. Is it not obvious that such a practice would lead to the interruption of all real business, and that in fact it would prevent, instead of facilitate, the presentation of petitions? There are cases where discussions on petitions are necessary, but they should be introduced by a motion on some order of the day.

Order of the Day read.

Major *Beauclerk* hoped before the question was disposed of, that he might say that the whole subject of the Poor-laws ought to be brought before a Committee of that House, and in that case he should have no objection to the noble Lord nominating the Members of that Committee. It had never been his wish or intention to cry down the Poor-law Bill; he believed that great good had resulted from that measure, but he certainly wished to point out the errors in that Act. He only threw out this suggestion for the consideration of the noble Lord.

Lord *John Russell* said, his mind was most decidedly made up on the subject, and the opinion which he entertained was, that it was not expedient to refer the whole question of the Poor-laws to a Select Committee, with a view to their considering whether the Poor-law Amendment Act should be continued or not, as any such proceeding would be to create a doubt in the public mind of the value of that measure. But at the same time he would likewise say, that if there were any part of the law which was supposed, or should be found really to act with unnecessary severity, and to inflict hardships upon the poor, especially with reference to separating the nearest relatives, and keeping them apart from each other, he should have no objection to the appointment of a Select Committee to remedy such defects.

The Bill to be read a second time that day six months.

COUNSEL FOR PRISONERS.] Mr. Ewart brought up the Report of the Select Committee, to whom had been referred the drawing up the reasons for dissenting to the Lords' amendments, by which the last word was not given to the prisoner's counsel.

The Report having been read at the Table,

Sir *Eardley Wilmot* said, he perfectly agreed to the Report which had just been presented by the hon. Member for Liverpool, which advocated the principle that the prisoner should always have the last word; but he would beg leave to submit to the House, whether or not the Lords' amendment after all, practically, would not have the same effect. The practice of the bar was (and there were those in the House who could contradict him if he were in error) never to make a speech in reply in the case of prosecutions. In ninety-five cases out of 100 the prisoner had the last word, and, with respect to the other five, it was competent to the Judge to allow counsel for the prisoner to reply. It did appear to him, that in ninety-five cases out of 100 the evidence given on the part of the defence was simply and only as to character.

The *Attorney-General* begged to state that he regretted exceedingly there should exist any difference of opinion on this important measure. He most sincerely deprecated this Bill being lost by any collision with the House of Lords. The question at issue was, whether the prisoner should have the last word. Now why should they endanger the Bill? In ninety-nine cases out of 100 the prisoner would still continue to have the last word if the Bill were altered in the way proposed by the Lords; because, except the witnesses to character, there was scarcely ever a witness called for the prisoner; but, though it was not the law of the land, still a discretion was vested in the Judge. The Judge had the power of saying whether the prisoner should have the last word, therefore this was a matter of practice only. At present no prisoner could have a counsel in cases of misdemeanour or felony to open his case for him. But what would be the consequences of throwing out this Bill (for such must be the result of a difference with the House of Lords)? Why that for one year at least, all prisoners would be deprived of the great advantage of having a counsel; an advantage which this Bill secured to them. If a man accused of felony were imbecile, or dumb, under the existing law, he would not have a counsel. Therefore the House would do well to be more considerate, and to reflect how much they would gain by the adoption of the Bill in its present shape; and how much they would risk by dissenting from the amendment of the Lords. He entreated the House to acquiesce in the amendments of the Lords, though he did not approve of them.

Mr. *Ewart* said, if they adopted the amendment of the Lords, the prosecutor's counsel would have two speeches to one on the part of the prisoner. They offered a compromise to the House of Lords—they had raised several objections; let them go to a conference with the Lords, and let that House bear the onus of rejecting the proposed amendment upon their amendment.

Report to lie on the Table.

POOLE CORPORATION.] Mr. Poulter moved the third Reading of the Poole Corporation Bill.

Mr. *Arthur Trevor* considered this to be the most unjustifiable Bill that had ever been introduced; it was a positive interference with the proceedings of another tribunal. He should not feel that he was doing his duty as a Representative of the people in Parliament, if he suffered this Bill to go to a third reading without doing his utmost to oppose it. He should divide the House.

The House divided:—Ayes 74; Noes 30: Majority 44.

Bill read a third time and passed.

List of the AYES.

Aglionby, H. A.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Beauclerk, Major
Bernal, R.
Bewes, T.
Blamire, W.
Bowring, Dr.
Brabazon, Sir W.
Brotherton, J.
Buller, C.
Callaghan, D.
Campbell, Sir J.
Chetwynd, Captain
Clay, W.
Crawford, W.
Denison, W. J.
Donkin, Sir R.
Ewart, W.
Ferguson, Sir R.
Fergusson, R.
Fielden, W.
Grote, G.
Harland, W. C.
Harvey, D. W.
Hume, J.
Hutt, W.
Labouchere, rt. hn. H.
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lushington, C.
M'Namara, Major
North, F.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Loghlen, M.
Paget, F.
Palmerston, Viscount
Parrott, J.
Pattison, J.
Philips, M.
Pinney, W.
Potter, R.
Price, Sir R.
Pryme, G.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Seale, Colonel
Smith, J. A.
Smith, R. V.
Stanley, E. J.
Thomson, rt. hn. C. P.
Thompson, Colonel
Townley, R. G.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Ward, H. G.
Wilbraham, G.
Wilks, J.
Williams, W.
Wilmot, Sir J. E.
Young, G. F.

TELLERS.

Parker, J.
Poulter, J. S.

List of the NOES.

Alsager, Captain
Arbuthnot, hon. H.
Beckett, rt. hon. Sir J.
Blackburne, J.
Bonham, R. F.
Brownrigg, S.
Canning, rt. hn. Sir S.
Corbett, T. G.
Darlington, Earl of
Eaton, R. J.
Gladstone, T.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Hale, R. B.
Halford, H.
Hamilton, G. A.
Hardy, J.
Herries, rt. hon. J. C.
Hoy, J. B.
Lowther, Viscount

Parker, M.
Perceval, Colonel
Price, R.
Reid, Sir J. R.
Ross, C.
Sandon, Lord
Sibthorp, Colonel
Trevor, hon. G. R.
Vere, Sir C. B.
Walter, J.

TELLERS.

Trevor, hon. A.
Mackinnon, W. A.

GREEK LOAN ACT.] Viscount *Palmerston* moved the Order of the Day for the House to resolve itself into a Committee upon the Greek Loan Act.

House in Committee.

Viscount *Palmerston* said, the objects which I have in view have been pretty well explained by the papers which I have already laid before the House, which go to show the course of the communications which have taken place between the Government of England on the one hand, and those of Russia and France on the other, with regard to the further guarantee of the remainder of the loan, which, by the treaty of 1832, the three Powers undertook to secure to Greece. But perhaps I should state more specifically the grounds on which I think it the duty of the Government of Great Britain to ratify this measure. The House is aware, that after the termination of the contest between Greece and Turkey, and when the Porte consented to acknowledge the independence of Greece, the three Powers, in virtue of the authority delegated to them by the Greek nation, did proceed to exercise the right which had been vested in them, of nominating the person who should be King of Greece. The choice, it will be recollected, in the first instance, fell upon Leopold, Prince of Saxe Coburg. In the communications which were made between that Prince and the conference of the three Powers, an agreement was come to, by which the three Governments agreed to guarantee the amount of interest and sinking fund, by a loan of 60,000,000 of francs to be raised for the use of the Greeks. The House is aware of the circumstances which led Prince Leopold to refuse the offer of the throne of Greece, and of the subsequent nomination by the three Powers, about a year and a half afterwards, of the Prince Otho, of Bavaria, to be Sovereign of Greece. In the communications which passed on the occasion, he naturally asked, or rather the Government of Bavaria, on his behalf, asked, whether the same conditions would be offered to him which had been offered and secured to his predecessor—and specifically whether the same accommodation of the guarantee of the loan would be given, in order to enable him (Prince Otho) to administer the Government of Greece. The three Powers considered that they were bound by their former engagements, and they accordingly consented to continue the engagement which they had made to Prince Leopold; judging it to be an engagement, not to this or that individual, but to the Greek nation, for the accomplishment of those purposes for which the three Powers had laboured to establish the independence of Greece. In consequence of this, an article was introduced in the treaty of 1832, between the three Powers and that of Bavaria, by which the guarantee was formally recorded in the treaty, with this difference—that whereas, in the year 1830, the engagement was without restriction as to the guarantee of the loan of 60,000,000 of francs; by the treaty of 1832, it was to be divided into three instalments of 20,000,000 of francs each, instead of the proposition by which the whole amount was to be raised at once; and the raising of the different instalments applicable to the wants of Greece, was to be made by the Government of Greece. In virtue of that treaty, two out of the three instalments have been already guaranteed; and the loan of 40,000,000 of francs has been already raised. The third instalment, the House is aware, has been postponed. I should state, with regard to the two first instalments, that when the original engagement was made to the Greek Government in 1830, it was supposed by both parties that the whole 60,000,000 of francs would go in aid of the general revenues of Greece; but, subsequent to the year 1830, a negotiation was entered into at Constantinople, which was brought to a very successful termination, by the zeal and ability of my right hon. Friend, the Member for Lynn (Sir Stratford Canning); by which negotiation a large and important district was added to the territory of Greece; in consideration of which the Greek state had to pay a sum of 40,000,000 of piastres. This sum has been paid out of the first and second instalment; and, therefore, when I say that the Greek Government has had the benefit of the first and second instalment, I ought to mention that they have not had sufficient to cover the deficiency in the income of the Greek nation, because 40,000,000 of piastres, or 11,000,000 of francs, have been paid over to Turkey. In the course of the last year the Greek Government represented to the three contracting Powers that there was a deficiency in its revenue, which did not cover the expenditure, and it required further advances. We had never expected that within the present period the revenues of the kingdom of Greece would have risen to an extent sufficient to cover the whole of the expenditure, and, therefore, this application, on the part of Greece was not unexpected by us. Sir, a discussion arose between the parties to the conference as to the question of what portion of the 20,000,000 of francs it was absolutely necessary to advance to Greece; and it was obvious that the conference would require the strictest proof from the Greek Government as to the amount it might be requisite to advance to meet the expenses of the year. And in this, I think, the conference acted not only with judgment and due regard to the three Powers, but with a sound regard to the interests of the Greek nation itself, because it was not for the advantage of the Greek state to have a larger sum of money placed at the disposal of the government than was really required. The Greek Government having satisfied us, that, not only was there a deficiency, but that that deficiency amounted to a sum varying from 4,000,000 to 6,000,000 of francs, being a deficiency of 4,000,000 as between the income and expenditure, and a charge of more than 2,000,000 of francs, from the expenses and deficiencies of the former year, a doubt was raised on the part of France as to the amount to be advanced; but they concluded at length, with England, in thinking an advance of 6,000,000 of francs to be necessary for the service of the Greek nation. In the early part of this year disturbances broke out in the northern parts of Greece; these disturbances not being raised by the inhabitants against the government, but being the consequence of an inroad of robbers and banditti from Turkey, who came to pillage and plunder the country. This inroad, however, was repelled by a considerable body of troops who came from the south to the north, but who acted in co-operation with the population generally. This circumstance, however, added also to the wants of the Greek nation, or rather to her pecuniary difficulties; because, in order to repel this incursion, it became necessary to add 2,000 men to the army. But when I state that these men were considered to be a lawless set of persons, in whose hands it had been deemed unsafe to place arms, and when I state that these persons, forgetting all their former habits, and all their former insubordination, supported the government in repelling these banditti, and thus restored tranquillity and order, I think I give the strongest and best proof that the Government of Greece is one which is founded on the affections of the people at large! Sir, the British Government and that of France think that 6,000,000 of francs are necessary and sufficient for the present exigencies of the Government; but Russia holds a different opinion, and having in the first place declined to concur in any advance, afterwards proposed to the conference that the three Powers should guarantee the whole remaining 20,000,000 francs; but that the money should only be issued by an annual sum of 2,500,000 francs every year, which would thus cover the interest and sinking fund. Now his Majesty's Government and that of France, felt that this proposal was not applicable to the present wants and emergencies of the Greek Government, and that, therefore, it was inconsistent with a due interpretation of the engagement made in the treaty referred to. The proposal of Russia would place at the disposal of the Greek Government only forty millions out of the 60,000,000 of francs, and would have the effect of leaving Greece actually in a state of insolvency, because, there being a deficiency of 6,000,000 of francs in the income of Greece, Greece would receive from the Powers only 2,500,000 francs, without the hope, and without the resources, to provide for the difference or deficiency of income as compared with that of the expenditure. We thought, therefore, that it was not consistent with the spirit of the treaty, and with those views which had actuated each Government in establishing the independence of Greece as a nation, to listen to this proposition. On looking at the Act of Parliament by which power was given for the execution of the treaty, it appeared doubtful, at least, whether the Crown could guarantee any portion separately, or, acting only in conjunction with France, whether England could take one step forward towards guaranteeing any portion of the loan, unless Russia and France went in conjunction with her. The object I have in view is, to propose to the House a Bill, the purport of which is, not to authorise the Crown to go to any greater extent than the Crown was authorised to go by the former Act,—not to guarantee more than the third of 60,000,000 francs, which the Act of 1832 empowers it to do; but to release England from the necessity of being bound to go step by step with Russia, and to enable the English Government to guarantee a portion of the remainder of the loan, although Russia and France should not consent to guarantee each its respective portion. The effect of the Bill, therefore, will not be in any degree to increase the existing liability of this country, but only to enable the Crown to make that liability more really useful to Greece, and accomplish the purposes for which Parliament empowered the Crown to contract it. Two-thirds of the original loan of 60,000,000 francs have been raised and guaranteed, besides a small portion of the remaining third—namely, 1,200,000 francs; thus there remain to be guaranteed only about 19,000,000 of francs, one-third of which this country is liable to be called on to guarantee—or the total amount which this country could be called on to give a guarantee for, is a sum little exceeding 6,000,000 of francs. The question is not whether this country should stop short where it at present stands, or whether it should go on and complete its guarantee; that question we are not free to discuss. We are bound to guarantee to Greece our third of the loan of 60,000,000 francs, and if the Russian proposal were adopted, which requires no authority from Parliament for its acceptance by this country, but which I wish to avoid adopting, we should proceed, immediately, to charge this country, prospectively, with the guarantee for the whole of our third. The question really is not, therefore, as to what we should do, but as to the mode of doing it. The question is, whether we should hold ourselves bound to follow in the course pointed out to England and France by the Government of Russia, or whether we should take our own course, and, in conjunction with France, guarantee a sufficient sum to relieve the present pressing wants of the State in Greece? It may be satisfactory to the Committee to hear what is the prospect that the engagements entered into in 1832 will not in the end bring any charge upon the finances of our own country; because, although I cannot admit that to be a consideration which ought to determine the course that Parliament should pursue in the fulfilment of a national engagement, yet at the same time it is right that the House should be informed upon such a matter, and I think that the information which I can give is of a satisfactory description. The revenue of Greece has progressively increased of late years, and the expenditure has progressively decreased, except in one instance, from accidental circumstances. But from the year 1834 the expenditure has continually decreased; it is lower this year than it was last, and the estimate for next year is lower than that of the present. The amount of the expenditure for 1832 was 13,000,000 of drachmas; in 1834, under particular circumstances, it had risen to 20,000,000. But in 1835 it had decreased to 16,000,000; and the estimate for the present year places it at 15,000,000. The revenue is as follows:—

1828 - - - -	2,500,000 drachmas.
1829 - - - -	4,800,000
1830 - - - -	3,300,000
1831 - - - -	4,900,000
1832 - - - -	(no account)
1833 - - - -	7,000,000
1834 - - - -	9,400,000
1835 - - - -	10,700,000
1836(as estimated)	11,300,000

It was natural to suppose, when Greece first started as an independent kingdom—when the Government was first organized—that the revenue would not be sufficient to meet the expenditure; and that was felt accordingly by the Government of 1830. It is evident, indeed, that a regular government could not be established until a police had been organized—until proper tribunals had been constituted—laws enacted and carried into execution—and until a regular government was established: until there was security for person and property, there could be no encouragement for industry. Commerce and agriculture must necessarily languish, and no considerable fund of revenue could arise. The statements which I have read are a sufficient commentary on this proposition, they show

how insignificant the revenue of Greece was in earlier years, and how rapidly and steadily it has increased since a regular government has been organized. One of the tests of revenue is the foreign commerce of a country; and if I can show that the commerce of Greece has increased of late years, I shall be justified in asserting that there is a fair and well-grounded probability of a continued increase of the income of that country. I have no means of ascertaining exactly what the commerce of Greece is; but the Returns furnished by our Consul at Patras may be considered as fair evidence on that subject, inasmuch as the geographical position of Patras necessarily indicates that goods imported into and exported from that place, are goods really imported into and exported from Greece, and not merely goods belonging to other countries, and only in transit through that port. The shipping which entered the port of Patras for the undermentioned years was as follows:—

1831	8 ships	1,000 tons.
1832	20	3,000
1833	23	3,600
1834	28	4,000
1835	31	4,500

The value of the imports into Greece by these ships has increased during that period from *535l.* to *30,077l.* The exports for similar periods were as follows:—

1831	£33,000
1832	38,000
1833	45,000
1834	73,000
1835	117,000

I think, then, that if the Government of Greece be enabled to carry on the administration with order and regularity—if it be able to pay the troops which it is obliged to maintain—if it be able to pay its civil servants, to establish and maintain its tribunals, and to cause its laws to be respected—I think that we are justified in assuming that, supposing peace external and peace internal to continue for Greece, the revenue will improve, and that there will be a sufficient surplus to pay the obligations of the loan, and relieve the three Powers from any charge on account of the interest and sinking fund. If any man entertain a doubt on that subject, I am sure that that doubt would not lead him, at the present moment, to refuse to the Government of Greece an advance absolutely necessary to cover the expenditure of the present year; for if there be one mode of proceeding more calculated than another to cut off all sources of future revenue, and make it absolutely impossible that the Government of Greece should relieve the three Powers from the engagements which they have entered into on behalf of that Government, it is that of bringing the machine of government in Greece to a stand, by refusing to sanction such an advance of the loan, as would enable that Government to meet the indispensable wants of the present year. I cannot believe that the House of Commons has so changed as to the feelings which it entertained during the period of the Greek contest, as to think it a matter of absolute indifference, whether the Greek State should be able to endure or should fall into a state of anarchy and perdition. I am sure that, abstracting all feelings of national interest—all those feelings of pecuniary interest which would lead us to wish that our debtor should continue prosperous, and remain able to pay—I am sure, and will still believe, that the House of Commons does entertain that feeling concerning the establishment of a free and independent people, and the raising of a nation into civilization which has so long remained in the lowest state of political degradation,—that has led it, on former occasions, to sanction and approve the steps taken by the successive Governments of England for the furtherance of that noble purpose—I am persuaded that those feelings are not so altered in the present day that the House of Commons would, by its deliberate act, condemn Greece, now on the point of being established in a state of prosperity and freedom, to relapse into anarchy and ruin, in order to fall, through such anarchy and ruin, into a state of slavery again. I cannot persuade myself but that the House will find it consistent with the views which it entertains of our foreign policy, and also with the strictest regard to our own pecuniary interests, to grant to the Crown that power which would be conferred by the Bill founded on the Resolution I now move:—"That his Majesty be authorised to guarantee a portion of the third and last instalment of the loan to be contracted for by the King of Greece, in pursuance of the Convention relating thereto; and that provision be made out of the Consolidated Fund of the United Kingdom of Great Britain and

Ireland for the payment of any interest and Sinking Fund which may from time to time become payable thereon."

Mr. *Hume* inquired whether the noble Lord was aware whether the amounts of revenue which he had stated had been actually realized by Greece? The Committee ought to be informed whether those sums had been actually received, and whether the disbursements had actually taken place?

Viscount *Palmerston* replied, that the sums he had stated were those actually received by the Treasury of Greece, with the exception of that for the present year, which, as he had already stated, would form an estimate of the results of former years.

Mr. *Hume* observed, that it would be satisfactory to know how the noble Lord had been furnished with those accounts.

Viscount *Palmerston*, in reply, remarked, that the accounts had been taken from accounts presented at the Conference by the Greek Minister in London. They had also been given to the British Minister in Greece, but whether they had been published there or not he did not know. Such had formerly been the practice.

Mr. *Hume* expressed a hope, that the noble Lord would lay before the House the whole of the official documents.

The Resolution having been put,

Mr. *Robinson* expressed his concurrence in the wish expressed by the noble Lord, that the independence of Greece should be fully established. But the real question before the Committee was, whether or not, under existing circumstances, the resolution proposed by the noble Lord was one which Parliament ought to be called upon to adopt. Those circumstances arose from the fact that Russia, one of the contracting parties to the original treaty, refused to give her concurrence to any further guarantee. He (Mr. Robinson) maintained, that with Greece in a state of anarchy, worse than that of the worse days of Turkish despotism, with its monarch refusing to return to the country unless he was secured the payment of the whole or part of the twenty millions now sought to be guaranteed, and with Russia, one of the original contracting parties, refusing to concur in that guarantee, this country was not called upon to pass this resolution. Let the House look to the state of the circumstances. When France, Russia, and England entered into the original contract, the king of Bavaria most solemnly undertook that the revenues of Greece should be applied, before any other appropriation, to thepayment of the interest on the loan. This had been assured to the noble Lord opposite by the Baron De Cetto, who had assured the noble Lord that Greece itself was quite equal to the responsibility. The House had received the assurance of the noble Lord opposite, and also of Lord Althorp, that this would be the case. But what had happened? So far from Greece having complied with the engagements entered into on her behalf by the king of Bavaria, the noble Lord (Lord Palmerston) was unable to answer the hon. Member for Middlesex as to what way the resources of Greece had been applied. This he charged as neglect on the part of his Majesty's Government; for, by the treaty itself, it was agreed, that the ambassadors of the three contracting Powers, at the Court of Greece, should watch over the appropriation of the revenues of that country; and yet the noble Lord was unable to state the exact appropriation. He contended that the House was empowered to refuse any further contract, by the nonpayment by Greece of the interest on the two former instalments. The noble Lord was well aware that Count Pozzo di Borgo, the Russian Ambassador, had stated, that on the demand being made on Russia by Messrs. Rothschild for a further guarantee, Russia had expressed her determination to have nothing to do with any further advance, except the faithful application of the 20,000,000 was secured. He also believed that France herself had only given a partial consent to the proposition of the noble Lord. On this the noble Lord had been silent; and he thought it was desirable that Parliament should know positively, whether, by the adoption of this resolution, England was acting with the concurrence of either of the other contracting parties, or whether England, as on many other former occasions, was allowing other contracting parties to escape, and taking the whole liability on herself. In his judgment it was impossible for the noble Lord to deny, that by the default of Greece itself, all parties were, strictly speaking, absolved from the treaty of 1832; but even if otherwise, whether this country were bound or not, the noble Lord at least ought to satisfy the Committee that there was ample security that

Greece would fulfil her engagements for the future. The noble Lord had said that England would be liable for 6,000,000 francs only; he contended, however, that the liability would extend to the whole 20,000,000; and it was worse than idle to enter into a contract of that extent unless this country was prepared to give even further assistance. He did not believe that Greece would be ever able to pay the interest of the new debt, and the internal expenses of her Government. The noble Lord had stated that which he (Mr. Robinson) must confess was entirely new to him—that the Government of King Otho was popular in Greece; on the contrary, he believed that the Bavarian rule in Greece was unpopular, and never would be reconcileable with the active, the energetic character of the military chieftains of that country. It was impossible that a Government so entirely foreign to the feelings and habits of that active and enterprising people could be so, unless indeed King Otho could have brought with him the reputation of a great and commanding military chief. With respect to the resources of the country, notwithstanding what had fallen from the noble Lord, they were in a most dilapidated condition; and since the absence of King Otho, the country had been in a state of insubordination, and the King's Government only maintained by the assistance of Bavarian forces. He was the last man that would advocate a departure from national engagements; but with the view he had taken and expressed on this subject, with his recollection of what had taken place on the Russia Dutch Loan, of the advances made with reference to the fortifications on the Belgian frontiers, now destroyed, and of the grant of 400,000*l.* to Portugal, to put an end to the slave-trade, which was still continued by that country, he could not consent to the resolution. Desirous as he was not to negative the proposition of the noble Lord, or that Greece should be left without resources, but at the same time to show to the other contracting parties, that England was still willing to fulfil the engagements into which she had entered, he begged to move as an amendment the following resolution:—" That it is the opinion of the Committee, that the treaty of 1832, not having been fulfilled on the part of Greece, is virtually cancelled, and that it is not expedient to guarantee any portion of the third instalment, without the concurrence of all the three contracting parties to that treaty."

Mr. *Pryme* objected to this motion, but upon grounds different from those which had been stated by the hon. Member for Worcester. At the time when Greece was engaged in her first struggles for liberty, a subscription was entered into in this country to aid them in their efforts —a subscription which was of course not adequate to her necessities, but which strongly marked the feelings of this country towards her. A loan of 800,000*l.* was then cheerfully contracted for in this country, and this being still found inadequate, another loan of 3,000,000*l.* was contracted by the *de facto* Government of Greece, for it was not then recognized by the Government of this country, though afterwards it was, when by the assistance of this country, in conjunction with its allies, the independence of Greece was established by treaty with Turkey. These loans were contracted under as solemn obligations by the existing Government of Greece as any loan was ever contracted. For a while some instalments of interest were paid; but it was found impossible to continue them for a time, and he (Mr. Pryme) believed this country acquiesced in the delay as any country would have done. After the independence of Greece was guaranteed, a change in her government took place; he entered into no invidious remarks; it mattered not for his argument whether it were a popular or unpopular government, it was the Government of Greece; and what was its first act? To declare that it would not adhere to the compact which had been entered into between that country and this. He (Mr. Pryme) would venture to call this one of the most flagrant breaches of good faith that any government ever committed. When Ferdinand of Spain acted in a similar manner with regard to the Cortes Bonds, what was the consequence? Why he tried in vain in almost every country in Europe to contract a new loan; the answer invariably was, " Sanction the Cortes Bonds!—then, and not till then, will we lend our money!" What did the Government of this country do in this case? They allowed the Government of Greece to contract a new loan, and guaranteed it conjointly with France and Russia, without any reference to the violation of good faith of which it had been guilty, without any stipulation or contract for the future; and the Government of Greece had to this moment persevered in that shameful breach of solemn engagements. Now he (Mr. Pryme) could assure the noble Lord, the Secretary for the Foreign Department, that nobody could feel more anxious than himself for the resuscitation of Greece; it was one of his earliest school-boy aspirations; long had he expected, and even now he ardently desired it. But when they were asked to give Greece pecuniary guarantees, was it not fair to require that she should keep good faith? and if she would not, she ought to be treated as Ferdinand of Spain was till he sanctioned the Cortes Bonds. Had he (Mr. Pryme) been in Parliament at the time that the last loan was contracted, he should have stated his objections then. He did not now wish this country to imitate the example of Greece, and neglect or refuse to perform what she had stipulated to perform; but he contended, that when we are called upon to enter into fresh engagements, to contract new liabilities, it was incumbent upon the Government of this country to demand that the former violation of good faith be atoned for, or to refuse the additional favour required. For these reasons he (Mr. Pryme) could neither vote for the Bill of the Government, nor for the amendment of his hon. Friend, the Member for Worcester; indeed, any resolution which did not notice the past violations of good faith on the part of the Greek Government, would meet with his opposition.

Lord *Dudley Stuart* was understood to say, that it was useless to argue this, if the issue of the money had been already made. [The *Chancellor of the Exchequer:* No issue has been made.] He was glad to hear the right. hon. Gentleman say so, for a very different impression had gone abroad. He contended, that the noble Secretary for Foreign Affairs had not made out a case to show why we should take on ourselves this guarantee, or that it would be any advantage to Greece; for if the money were given, it would be used only to advance the purposes of the Russian faction in that country. On these grounds he should oppose the proposition of the noble Lord.

Mr. *Hume* came to the same conclusion as the noble Lord (Dudley Stuart), but on wholly different grounds. He thought that the great moral power of this country arose from the strictness with which she observed her engagements. We had entered into certain engagements, which were intended for the benefit of Greece, and which we were to fulfil on certain conditions. Our expectations in producing the good we intended were disappointed—the conditions on which our guarantee was given had not been complied with. The question then was, whether we should go any further? If we paid our guarantee, probably France would pay hers, but would that have the effect of establishing a staple Government in Greece? He thought not. The Bavarian Government now held its domination in Greece by military force, and the advancing of this money would have only the effect of keeping up that force in Greece for some twelve or eighteen months longer. Greece was too poor to support a monarchy—a cheap federative government would be more suited to her present circumstances, and more congenial to the feelings of the great mass of her inhabitants. Seeing this, and knowing the pressing calls made for relief by several classes of the community here, he could not consent to throw away so large a sum, and still less could he consent to vote it for the support of a despotic government.

Mr. *Barlow Hoy* would not enter on the question of the preference which should be given to a federative or a kingly government, but he believed, that if the Greeks had been left to their own choice, they would have chosen the former. He was aware of the grounds on which the Government of Greece had made this application, but he thought that that Government, not having fulfilled its own part of the engagement, had no just claim to call on us to fulfil ours.

The *Chancellor of the Exchequer* did not think that the arguments—that Greece had not kept faith in some previous pecuniary engagements—that the other Powers, parties to the treaty, refused to make good their guarantees, or that the money might be applied to the reduction of the burdens of this country, or that it would increase Russian influence—had anything to do with the question. The proposition of his noble Friend did not go to increase the engagements we had entered into; it only went to make good those engagements, but in a different manner. He would put it to the House to consider what would be the situation of Greece, if we were thus to throw it into a situation of great commercial embarrassment. We should be undoing all that we had done for that country, and at the same time be cutting off all chance of the repayment of the sums which had been advanced under our guarantee. He was sure, that, in the present state of the East of Europe, hon. Members would not wish to see the affairs of Greece thrown again into disorder and confusion.

Major *Beauclerk:* He knew from personal observation, that it would be impossible to force the Bavarian Government upon Greece. He had resided among the people of that country, and he knew that a feeling of hostility to the Bavarian rule was universal. He hoped, therefore, that this House would not sanction the appropriation of any more money for the purpose of bolstering up that rule. It would, he was persuaded, be throwing money into the ocean; not one farthing of it would ever be paid. The attempt to force a foreign government upon Greece, was nothing but a scheme of Russia to advance her own interests in that country. She acquiesced in the proposal, that Leopold should go over into that country, because she imagined that he would have been completely under the tutelage of Count Capo d'Istrias. When she found that her scheme failed in that respect, and that it was not for her interest to maintain a foreign government in Greece, she turned round upon her allies, and threw upon them the whole burthen of the stipulated aid. Now that she discovered Russian supremacy was no longer to be continued, she withdrew from the treaty, and left the other two parties to it to fulfil it as they could. Well, as it seemed to be admitted that we were not bound by treaty to guarantee the whole of this third part of the loan, the question was, was it good policy so to do? Now he (Major Beauclerk) did not think it was. He had great confidence in the present Government, and especially in the noble Lord at the head of the Foreign Department; but upon this occasion he was, in his (Major Beauclerk's) opinion, misled by Russia, and endeavouring to bolster up a system in Greece, which he would find it impossible to support. Let the people of Greece choose their own government; let them be defended against Russia and Turkey; but he could not give his consent to the Bill; for, in doing so, he believed he should be voting against the liberties and happiness of Greece.

Mr. *Thomas Baring* opposed the motion, and contended, that there was no chance whatever of Greece fulfilling its engagements with this country, in the event of the proposed sum being lent to it. He thought that the real policy of this country would have been, to act in conjunction with Russia, as he did not consider that sufficient grounds existed for entertaining any jealousy of that power.

Dr. *Bowring* could not agree with the hon. Member for Yarmouth, that it was advisable that this country should adopt the same line of policy with Russia. Bavarian power was now paramount in Greece, and he maintained, that in that country there existed not the shadow of freedom, of independence, or of nationality. Greece had not yet fulfilled her contract by paying the interest on the sum of 1,600,000*l.* already advanced, and this its Government was bound in common honesty to do before it received another farthing. The account furnished of the manner in which the amount previously lent had been expended, was so confused and unintelligible, as to afford no security for the due application of any further sum. He could not consent to any loan for the support of the present government, a more unpopular than which it never entered into the human imagination to conceive, and which, he had been assured by hundreds of Greeks, was utterly unsuited to the character and habits of the people. It was not the policy of Russia that Greece should be tranquillized, and certainly the proposed loan of 200,000*l.* would not aid in tranquillizing it, or in establishing its independence. If the noble Lord would modify his resolution in such a way as to allow time to examine and consider the question, he should be very happy to concur in it, as he thought that such a course would best support the interests both of this country and of Greece.

Viscount *Sandon* was led to conclude, from communications made to him by a gentleman of considerable property in Greece, that the state of the country was not such as it was represented to be by the opponents of the measure, since its finances had gradually improved from the year 1828, up to the present time. In support of this view of the subject, the noble Lord proceeded to read an extract from a work written by the rev. Mr. Wordsworth, master of Harrow School, describing the improvements lately effected in the town of Athens and its vicinity, and predicting the future prosperity of Greece. With regard to the government of the country, which had been attacked by the hon. Member who had spoken last, it could not be argued, that a constitution which was well fitted for this country, was equally well adapted to every other nation, and that another form might not be, under certain circumstances, expedient. He felt it to be his duty, looking at every part of the subject, to support the motion.

Mr. *George F. Young* resisted the motion, on the ground that Greece had violated the stipulations into which it had entered with the three contracting Powers. With respect to the intentions of Russia, that Power did not object to pay the second instalment, but was not prepared to apply it to the same purposes as those contemplated by the noble Lord. If he consulted only his feelings as an Englishman, he should be inclined to accede to the noble Lord's proposition; but considering the matter fairly and impartially, he was bound to declare, that the arguments of the noble Lord had been completely refuted by those employed by the Russian Ambassador. The objects which ought to be aimed at in the decision to which the House would come, were the interests of the parties guaranteeing the loan, and the assistance of Greece in the financial and political difficulties with which she had at present to contend. He confessed, however, that while he could not refuse his assent to the reasoning contained in the documents to which he had referred, he was one of those who regarded with great jealousy the policy of Russia, not only towards Greece, but every other country with which that power had been brought into contact for a long series of years. When they found that 8,000,000f. of the second instalment, were not appropriated to the financial purposes of Greece, but to the payment of a sum to Turkey in return for cessions of territory made by the latter, and that, at the same time, Turkey was paying the stipulated indemnity to Russia for the expenses of the late war between them, they could not doubt that the 8,000,000 francs found their way into the Russian treasury. He deprecated the policy of separating ourselves from the interests of our allies in this matter, and could not but regard as suspicious, the eagerness with which Russia accepted the proposition made by the noble Lord.

Mr. *Goulburn* agreed with the noble Lord, the Member for Liverpool. He would not now enter into the question, whether a monarchical or a republican form of government was to be preferred; but when the question was between a government and no government at all, he could have no hesitation in deciding, that any government which had a prospect of stability and duration was to be preferred. He thought, then, that the Government of Greece was entitled to support, since, if it were suffered to fall to pieces, the only alternative for the country was, to revert to its former state of turbulence and misrule. The separation of this country from her allies, on a point so important as the present, was much to be deprecated; and if the noble Lord had thought proper to adopt a different tone in his communications with Russia, that Power and Britain might have continued united for the attainment of one common end—the establishing the independence, and securing the interests of Greece. When the existing Government of that country must be dissolved, if a supply of money were not advanced to it, and the inhabitants plunged into the miseries of anarchy and civil broils, he could not think that that supply ought to be withheld. He should, therefore, support the proposition of the noble Lord.

Viscount *Palmerston*: No one who ever moved a proposition, can be placed in a more singular position than I am this evening with regard to my opponents, because the one-half of them have answered the objections which have been made by the other half. My noble Friend, who spoke on the opposite Bench, objects to the proposition, because, he says, we go hand-in-hand with Russia in matters of European policy; while others object to it, because they say, we ought to go hand-in-hand with Russia and not to depart from the association. If my noble Friend thinks that my proposal renders the policy of this country subservient to that of Russia, of which he disapproves—I apprehend, having listened to the objections of those who, having read the papers, oppose the motion on the contrary ground, that I have a right to claim his vote on the ground that I am not acting in a manner consistent with the wishes of the Russian Government. Hon. Gentlemen have argued as if we were proposing to increase the liability of Great Britain; or, as the hon. Member for Middlesex has actually said, as if we were going to issue money at this country's expense; but we are not proposing, in the slightest degree, to increase the liability which was incurred by this nation in the treaty of 1832. Now, what will be our situation if we do, and what if we do not, adopt this proposition? This country, in either case, is engaged to the extent of 20,000,000 of francs, being one-third of 60,000,000 of francs, which have been guaranteed by the three Powers; and this engagement will remain unaltered whether we adopt the proposition before us or that of Russia, with this difference only, that in the one case it would be immediate, and in the other more remote. My proposal is, that the English Government shall be empowered to go to the full extent, reserving to itself the discretion of determining whether they will do so immediately or at different periods of time. It places in the hands of the Government a larger discretion than the Russian proposal does, the adoption of which would compel the rejection of the present proposition. It has been said, that we are relieved from our engagement; but let us consider what that engagement is; to do which we must refer to the twelfth article of the treaty, whereby the three Powers engage that a loan shall be contracted, the principal of which shall not exceed a total amount of 60,000,000 of francs, to be raised by instalments of 20,000,000 each; the first instalment to be paid immediately, the others to be raised according to the necessities of the Greek State. The plain meaning of this article is, that it was not the intention of the three Powers to place the whole amount at once in the hands of Greece—no more than the first instalment of it; the others to depend upon the proof furnished to the three Powers of the necessity of the advance. And will any man pretend that Greece is not now in a state to require it? No one has said so in the course of the debate. The fact is, that, upon balancing the receipt and expenditure in the early part of the year, there was found to be a deficiency of 4,000,000 of francs; since which additional expenses have been incurred by the Greek Government, which have materially increased that deficiency. The necessity, then, of a further advance upon the loan appears to be so plain, that it is really an insult to the understanding of the House to attempt to argue upon it. There are two propositions made, with a view of meeting this deficiency: the one, by Russia, to advance 2,500,000 francs to meet a deficiency of between 4,000,000 and 6,000,000 of francs; and the other, the one now before us, to advance 6,000,000 of francs; in order really to meet the deficiency. Now, let me ask hon. Members who oppose the motion, in what manner they propose that the difference between 2,500,000 francs, and 6,000,000 francs, is to be made good by the Greek Government? and, at the same time, if it be not made good, how the Greek Government is to be maintained? How is their army to be paid, their establishments to be upheld, and what will be the result if the Government be unable to maintain them? The best answer, perhaps, to give to such a question will be to quote the statement of Sir Edmund Lyons; but first, who is he? Is he a man recently acquainted with Greece, ignorant of its history, the manners of its people, and the proper sources for the acquisition of information; and, therefore, liable to be imposed upon? No; he served for six years in a distinguished capacity as a naval officer before he was appointed Minister there. He has mixed with men of all ranks, and has had the best means of obtaining information; and what does he say? He says that the advance is necessary, in order to preserve Greece from anarchy and confusion. He gives an account of the breaking out of an insurrection on the 29th of February; he speaks of the measures which were adopted to suppress it; he tells us that it arose from the incursion of a band of robbers not belonging to Greece, and we have reason to hope, says he, that a death-blow will be given to their predatory warfare, provided the Government receives a liberal portion of the third instalment in ten or twelve weeks, without which the Government must come to a stand. The troops sent out to suppress the insurrection will become lawless for want of pay. Again, on the 7th of March, he says:—

> "A considerable body of troops have passed the barrier, in order to restore order and obedience to the laws; and to prevent the measures of Government from being cramped, immediate relief must be granted. The rebels say that the Government has no money, and can only obtain it by imposing taxes on the people, which will make them the more ready to join us."

Here is a proof, then, that discontent does not exist among the people; but at the same time an assurance that, if we refuse that assistance to the Government which we are bound to afford them, we shall drive them to measures which may produce a state of things so much to be deplored.

As to the statement that Greece is in a condition of anarchy and disorder, I beg leave to assure those hon. Members from whom it has proceeded, that from whatever sources they have derived their information, it is completely erroneous. So far from its being in such a state, as they have alleged, "that the laws cannot be executed,"—the country is peaceable, tranquil, and orderly; the people are attached to their Government, and anxious to have it maintained. In a despatch from Sir Edward Lyons, not yet laid on the table, and dated the 3rd of January, 1836, there is a general account of the proceedings of Count Armansperg. He says:—

> "I have the satisfaction to assure you that, with the exception of occasional irruptions, the whole of Otho's dominions are tranquil; there is not a country in which the people are so well fed, paid, and clothed; there is none in which a man is more sure of reaping the fruits of his capital and labour; there is scarcely a family in the kingdom which has not its weekly sales of sheep or of goats; houses are built even in the winter season; land is cultivated; and almost every individual is occupied in attending to his own affairs. There are Greeks from Moldavia, Constantia, and Asia Minor, assembled in the capital, in hopes of being employed by the Government, and those of them who do not succeed are discontented, which is the case, and must be the case, in a country like this, where the spirit of the people leads every man to put himself forward; and I am convinced, that the unfavourable accounts you hear must come from persons of that description, and not from impartial authorities who are competent to judge of the facts. Such is an impartial review of Count Armansperg's Administration; but I will not conceal from you that the expectations they have raised are likely to be disappointed, unless the third instalment of the loan is received."

Now if confidence is not to be placed in honourable and intelligent men who are sent out to represent this country, and on the information they give with respect to the places in which they are posted, and if we are to withhold our support from those measures which are founded upon their statements, let it be made the ground of a specific resolution, to the effect that we refuse to vote, because we cannot place confidence in the reports which are made by the agents of the Government. I assure the Committee, that nothing can be more contrary to the truth than that the Government of Greece is arbitrary and tyrannical, conducted on tyrannizing, barbarous principles, and supported by barbarian troops. The measures of Count Armansperg, during the regency, have been of a different nature. The press is free; and where there is a free press despotism cannot exist—or it must be the fault of the nation if it do. The tribunals of justice are independent of the Crown. Trial by jury is re-established; so that here are, at least, three of the elements of national liberty. It is true, that no national assembly has been yet convoked; but a man must be blind to the natural character of the Greeks, as well as to the geographical distribution of their country, if he think that Greece can be governed without a representative assembly—it is an indispensable addition to the kingly government. Although Greece has not now her national representation she has her municipalities, founded upon the principle of popular control, having the entire management of their own local concerns, the members of which are elected almost by universal suffrage; for it is extended to every father of a family who is the possessor of land, and to every man who has taken a share in the war. Now, where a nation like Greece has her municipal institutions suited to the genius of her people, it is unjust to give such a representation as we have heard of the condition of the country. The Government has appointed proper trustees to take charge of the national domains. Every Greek may possess them upon the most easy terms, merely by an annual payment in acknowledgment of his tenure of them from the state. Every Greek will thus become a freeholder of the lands, and the people themselves will be the trustees. It is not agreeable to me to detain the House, but this question has been much misconceived and misunderstood; and I feel it to be my duty to endeavour to set it in its true light, as I consider it to be one which involves both the national faith and the national interest. The grand objection to the motion appears to be founded upon erroneous impressions, which I am anxious to remove. It is a great mistake to suppose that Greece is not in possession of the basis of freedom. The only thing wanting, to place it in the same situation with England herself, is to put the finishing stroke to the work which has been already done—to add to the institutions which have been already formed, a general representation of the state; but this is a thing which must follow, and not precede other arrangements. Until we have completed our interior organization, it would be premature to establish our general representation. I am convinced, however, that Greece will at length have one; it is as much the wish of his Majesty's Government as it is of Greece herself; but hon. Members are greatly deceived if they think that, in refusing this grant, they would be accelerating the establishment of such an institution. If there be anything which would render it almost impossible, it would be a refusal, on the part of this country, to advance to Greece the money she wants; because it must strike every hon. Member who considers the subject, that it would compel her to seek the money elsewhere, and perhaps to submit to conditions which would prevent the establishment of such an institution. Hon. Members have spoken of barbarian and of mercenary troops in the pay of the state, and of their employment in civil offices; but I have the satisfaction to state to the Committee, that since the King became of age last year, not a single barbarian has been retained, many of those who were there have quitted Greece, and it has been determined, that when the term of their service has expired, no fresh troops shall be brought over. In point of fact, the army now paid by the Greek Government consists of rather more than half native troops. The Greek Government, I admit, ought to be a national government; and that our labour would be in vain, if we had only established a government which must be supported by foreigners. The state must be Greek in its civil and in every other department; for it is evident, that should it not be capable of supporting itself by the free and spontaneous exertions of its own sons, there must be something rotten in the fabric, and our exertions thrown away. But I assure those hon. Members who have given us such a dismal picture of Greece, that her government is a national government, and that the efforts of those who are now at the head of it are steadily directed to make it more strictly and purely so—which dissensions among the ministers themselves have hitherto, in some measure, checked. These differences have hitherto much embarrassed the march of government, and prevented it from doing so much as it would otherwise have done for the benefit of the state. In the year which has elapsed since King Otho became of age, the measures adopted have been—trial by jury; the complete execution of the laws of municipalities; the formation of a veteran corps, consisting of Greeks who have served in the war of independence; an assignment of pensions to the widows of those who fell during that war; and the distribution of the national lands among the people. The objections, therefore, to this measure, appear to me to rest upon no solid foundation. Some object to it because they say it separates us from Russia, which the papers on the table show that it does not, because Russia states that she acquiesces in our plan. Others object to it on the opposite ground—saying that it ties us to Russia and to her policy. That objection is answered by the fact, that the plans proposed by the two Governments are at variance with each other. I have answered the objections, that the measure will throw a fresh liability upon the Government, by showing that it does not, as we do not propose to go a step further than we are bound to do by the terms of the treaty. It is said also that we should not consent to this step, because we shall be imposing upon the Greeks a Government which is odious to them, and which can only be supported by foreign aid: but it appears that the Government is not odious to the nation, because it is supported by the nation; and that it is not maintained by foreign power, because the troops are native troops. The ground, therefore, on which this motion is resisted, appears to me to be founded upon error; and I trust that the House will adopt the resolution. It is merely preliminary to the introduction of a Bill which there will be full opportunity of discussing hereafter in every stage; and such further information as I can in the mean time obtain, I shall be happy to supply.

The Committee divided on the original question:—Ayes 81; Noes 40;—Majority 41.

Resolution agreed to. The House resumed.

CHARITABLE TRUSTEES.] Mr. Bernal brought up the Report of the Committee on the Charitable Trustees Bill.

On the question that the amendments be read a second time,

Colonel *Sibthorp* had such strong objections to the Bill altogether, that he would move as an amendment that the Report be taken into consideration that day three months.

Mr. *Arthur Trevor* would certainly support the amendment.

The House divided on the original question:—Ayes 81; Noes 36: Majority 45.

List of the AYES.

Adam, Sir C.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beauclerk, Major
Bernal, R.
Blake, M. J.
Blamire, W.
Bowes, J.
Brady, D. C.
Brotherton, J.
Bulwer, E. L.
Campbell, Sir J.
Chalmers, P.
Chichester, J. P. B.
Codrington, Admiral
Donkin, Sir R.
Evans, G.
Ewart, W.
Fielden, J.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Folkes, Sir W.
Gordon, R.
Goring, H. D.
Grattan, J.
Grey, Sir G.
Gully, J.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hobhouse, right hon. Sir J.
Howard, P. H.
Howick, Lord Vist.
Hume, J.
Humphery, J.
Labouchere, right hon: H.
Leader, J. T.
Lefevre, C. S.
Lennox, Lord G.
Lushington, Dr.
M'Namara, Major
Murray, rt. hon. J. A.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Loghlen, M.
Palmerston, Ld. Vist.
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pelham, hon. C. A.
Potter, R.
Price, Sir R.
Pryme, G.
Rice, right hon. T. S.
Robinson, G. R.
Roche, W.
Rolfe, Sir R. M.
Seale, Colonel
Smith, R. V
Smith, B.
Stanley, E. J.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Tancred, H. W.
Thomson, right hon. C. P.
Thompson, Mr. Ald.
Thompson, Col.
Thornley, T.
Townley, R. G.
Tulk, C. A.
Wakley, T.
Wallace, R.
Warburton, H.
Williams, W.
Wood, C.
Wood, Mr. Ald.

TELLERS.

M. O'Ferrall
R. Steuart.

List of the NOES.

Arbuthnott, hon. H.
Baring, T.
Boldero, H. G.
Brownrigg, S.
Campbell, Sir H.
Charlton, E. L.
Clerk, Sir G.
Corbett, T. G.
Fielden, W.
Gladstone, T.
Gladstone, W. E.
Gore, O.
Goulburn, rt. hon. H.
Hale, R. B.
Halford, H.
Hardy, J.
Inglis, Sir R. H.
Knightley, Sir C.
Lawson, A.
Lees, J. F.
Lincoln, Earl
Lowther, hon. Col.
Lowther, Lord Vist.
Neeld, J.
Neeld, J.
Parker, M.
Perceval, Col.
Praed, W. M.
Price, S. G.
Reid, Sir J. R.
Richards, R.
Sandon, Lord Vist.
Somerset, Lord G.
Stewart, J.
Vere, Sir C. B.
Walter, J.

TELLERS.

A. Trevor
Col. Sibthorp

Amendment read a second time.

The *Solicitor-General* rose to move the insertion of a clause, to the effect, that in all cases in which, at the time of the passing of this Act, the body corporate of any borough named in either of the said schedules A and B, or any one or more of the members of such body corporate, in his or their corporate capacity, stood solely or together, with any person or persons elected solely by such body corporate, or solely by any particular number, class, or description of members of such body corporate, seized or possessed of any real or personal estate for the absolute use and benefit of such body corporate, subject only, for the purpose of some charitable trust, to the payment of a fixed sum, or to a charge wholly satisfied by less than the whole of the rents and profits of such real estate, or of the interest and dividends of such personal estate, all such real and personal estate shall immediately after the passing of this Act be vested in the mayor, aldermen, and burgesses of the borough, subject in the first instance to the charge created for the purposes of the trust, and the amount of such charge shall be accounted for by the said mayor, aldermen, and burgesses, and paid by the treasurer of the borough to such persons as a majority of the trustees under this Act shall appoint, under their hands and seals, to receive the same, and shall be paid over to such person at such time or times as the disbursements have usually been made for the purposes of the trust, and the receipt of such person shall be a good discharge to the treasurer, and to the said mayor, aldermen, and burgesses; neither shall the said mayor, aldermen, and burgesses, nor the treasurer of the borough, be bound to see to the due application of the said charge and subject to the said charge, and to any claim which any person or body corporate may have at law or in equity, or which may be made on behalf of any trust or charitable institution, to or upon the said hereditaments or personal estate, the rents and profits, interest and dividends, of the said hereditaments and personal estate shall be carried to the credit of the borough fund.

Mr. *Goulburn* inquired whether, under the effect of this clause, property left to freemen would not go to the borough fund?

The *Attorney-General* said, that where freemen had any particular interest in the charitable property, they would continue to possess it; but where funds had been vested in the corporations, subject to specific charities, the surplus would go to the borough fund.

Mr. *Charlton* put some question relative to the disposal of the existing surplus in the case of some charitable foundation in Ludlow. The property which had been bequeathed for certain charitable purposes having greatly increased in value, the surplus had hitherto been applied by the corporation to the general purposes of the town. Would that state of things be allowed to continue under this clause?

The *Chancellor of the Exchequer* thought the clause so very explicit that he was surprised such a question should have been put by the hon. Member for Ludlow. The clause would not perpetuate but remedy abuse. Where charity was impressed on the entire fund, the charity would be entitled to the whole; but if not, the surplus would go to the borough fund.

Mr. *Charlton* did not think his question had been either distinctly or satisfactorily answered. He wished to know—[cries of "Spoke, spoke," "Order, order."]

The *Speaker.:* The hon. Member has already spoken on the subject.

Mr. *Charlton.:* Sir, you must have misunderstood me; I merely put a question; I did not speak.

The *Speaker:* It is perfectly true, as the hon. Member has just stated, that he put a question; but it is also true that he followed it up with some observation.

Mr. *Charlton:* I put a question, and in order to elucidate the matter, I certainly did accompany it with an observation.

The Earl of *Lincoln* rose to order. The Attorney-General had been heard, and might be heard again, without any interruption from that (the Opposition) side of the House. Why should not the same courtesy be extended to the hon. Member for Ludlow? The general convenience required, that the strict rule of form should not be so stringently applied in such cases as the present.

Mr. *Charlton* had hoped that the object of hon. Gentlemen opposite was to make this Bill as perfect as possible; but he certainly did not think that was the wish of his Majesty's Government. The right hon. Gentleman (the Chancellor of the Exchequer), in his extreme cleverness, thought no one could compete with him, and therefore he attempted, instead of explaining the Bill, to throw dust in their eyes. If the right hon. Gentleman understood the clause, he took very good care to misstate its effect. [*Laughter.*] No doubt there was a great deal to laugh at. The hon. Member for Cricklade laughed as if he would split his sides.

Mr. *Gordon:* I did not laugh at you.

Mr. *Charlton:* You have no right to laugh at me. [" Order," and Chair."]

The *Speaker:* I hope the hon. Member will see the propriety of not abusing the indulgence of the House beyond what the necessity of the case requires.

Mr. *Charlton:* Sir, I maintain I have a right to speak. [" Order, order;" Chair, chair."]

The *Speaker:* The House, I am sure, will agree with me, that the hon. Member, in strictness, has no right to speak more than once. If he is allowed to do so, it is by the courtesy of the House, and under the special circumstances of the case. The hon. Member has already spoken once.

Mr. *Charlton:* Sir, I say I only asked a question, and you decided I had a right to speak.

The *Speaker:* Whether I was right or wrong in my decision, the hon. Member himself furnished me with an answer, for he said, having put a question, he proceeded to elucidate it by some observation.

Mr. Arthur Trevor moved the adjournment of the House.

Mr. *Charlton:* I rise to order. I have just heard the hon. Member for Cheshire observe—"It is really disgraceful." He dare not use that expression elsewhere, I will make him remember it. ["Chair. chair."]

Mr. *Goring:* The hon. Member for Cheshire did not make use of that expression. I will answer for that. Under all the circumstances of the case, I hope the hon. Member for Ludlow will see the propriety of at once withdrawing from the House.

Mr. *Charlton:* My duty to my constituents will not allow me to withdraw. If the hon. Member for Cheshire did not make use of the term "disgraceful," I beg leave to recall what I said.

Mr. Arthur Trevor persisted in his motion for the adjournment of the house.

The *Speaker:* The hon. Gentleman has used expressions in the heat of debate which he ought not to have used; I am quite sure he will be ready, at once, to withdraw them.

Mr. *Charlton*: Sir, I have already done so, and in the most handsome manner. I never make any observation, much less a charge against an hon. Member, which, if wrong, I am not ready to retract; but if in the right, not ten or twenty shall intimidate me. The hon. Member then adverted to the Ludlow charity, where, under a charter of Edward 4th, property amounting to between 100*l.* and 200*l.* a-year was given to support certain almshouses, a school, and a clergyman; the income now amounted to 1,500*l.*, and the allowance to the charitable objects named having been considerably increased, there still remained a surplus of 700*l.*, which the corporation, until recently, had applied to improvements in the town under certain doubtful words in the charter; and he wished to know how, in such a case, the ascertained surplus, under this dangerous, because most ambiguous, clause, would hereafter be dealt with? If it were to be appropriated to the three charitable objects specifically named, he should heartily concur in it; but he very much feared that would not be the case, and he should strenuously oppose its being devoted to municipal purposes. He regarded the whole Bill as a direct violation of the Municipal Reform Act, the darling measure of last year, which was then pronounced perfect, the great object being declared to be, to keep charitable property quite distinct from municipal funds; but now Ministers, thinking it likely to forward their party purposes, had purposely mixed and confused them together, and placed the administration of both in the town-councils.

The *Attorney-General* said, if under the charter of Edward 6th the whole property was devoted to the almshouses, the school, and the clergyman, they would under this clause continue to receive the benefit of it, and if the corporation of Ludlow had improperly applied any part of it for the improvements of the town, the present town-council would have no such power. But if only specific sums were to be paid to each of those charitable objects, the surplus belonging to the corporation, it would now be applicable to municipal purposes.

The clause was agreed to.

Mr. *T. Gladstone* moved the introduction of a clause, enacting, that in all trusts specially bequeathed for the use or advancement of the Church of England, no trustees shall be allowed to act or vote in the disposition of the funds thereof, unless they be *bona fide* members of the Church of England.

Clause read a first time.

On the motion that it be read a second time,

The *Chancellor of the Exchequer* opposed the Clause, on the ground that it implied distrust of the new Corporations on account of their religious faith. Under the law, since the Repeal of the Test and Corporation Acts, Dissenters being members of corporations might be trustees for these charities, and he saw no reason for now making an alteration in it. The members of the new Corporations were at least as worthy of trust as the members of the old Corporations.

The House divided:—Ayes 35; Noes 82:—Majority 47.

List of the AYES.

Boldero, H. G.
Bonham, R. F.
Bramston, T. W.
Brownrigg, S.
Burrell, Sir C.
Charlton, E. L.
Corbett, T. G.
Eaton, R. J.
Gladstone, W. E.
Gordon, Hon. W.
Gore, O.
Hale, R. B.
Halford, H.
Henniker, Lord
Hoy, J. B.
Inglis, Sir R. H.
Knightley, Sir C.
Lawson, A.
Lincoln, Earl of
Lowther, hon. Colonel
Neeld, J.
Neeld, J.
Parker, M.
Perceval, Colonel
Polhill, F.
Praed, W. M.
Pringle, A.
Read, Sir J. R.
Richards R.
Shaw, rt hn. F.
Sibthorp, Colonel
Somerset, Lord G.
Stewart, J.
Trevor, hon. A.
Vere, Sir C. B.

TELLERS.

Gladstone T.
Hardy, J.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Astley, Sir J.
Attwood, T.
Baines, E.
Ball, N.
Bannerman, A.
Baring, F. T.
Beauclerk, Major
Bernal, R.
Blake, M. J.
Blamire, W.
Bowes, J.
Bowring, Dr.
Brady, D. C.
Brotherton, J.
Buckingham, J. S.
Bulwer, E. L.
Campbell, Sir J.
Chalmers, P.
Codrington, Admiral
Ewart, W.
Fitzgibbon, hn. Col.
Folkes, Sir W.
Grey, Sir G.
Gully, J.
Hall, B.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Hobhouse, right hon. Sir J.
Hume, J.
Hutt, W.
Kemp, T. R
Labouchere, r hon. H.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.

Lennox, Lord A.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
M'Namara, Major
Maule, hon. F.
Murray, rt. hn. J. A.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Palmerston, Visc.
Parker, J.
Parrott J.
Pelham, hon. C. A.
Potter, R.
Price, Sir R.
Pryme, G.
Rice, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord J.
Seale, Colonel,
Smith, J. A.
Smith, B.
Stanley, E. J.
Steuart, R.
Strutt, E.
Talbot, C. R. M.
Thompson, Colonel
Thornley, T.
Townley, R. G.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
Wilbraham, G.
Williams, W.

TELLERS.

Gordon, R.
Smith, V.

Clause rejected.

The *Solicitor-General* moved, in the absence of the hon. Member for Lambeth, (M. T. D'Eyncourt) a clause bringing the Grammar School at Louth under the operation of the Bill.

The clause having been brought up was read a first time, and the question being put that it be read a second time,

Mr. *Leader* said, he should support the clause. He was aware it was argued that the school having been anterior to the Corporation, it was not proper that it should be placed under the supervision of the Corporation. But, in his opinion, that made no difference whatever in the question:—and that, if the House thought fit, it had just as much right to place the school under the charitable trustees, to be appointed under this Bill, as if the Corporation had the priority of existence. He believe, it would be advantageous so to do, and therefore he should, as he had said, vote with the Solicitor-General.

An *Hon. Member* said, that all those hon. Gentlemen, who were of opinion that the will of the testator should be considered as well with regard to the administration of his trust, as to the disposition of the trust, should vote against this clause. For who would affirm that Edward 6th, when he granted his Royal Charter to this school, constituting a warden and six assistants a permanent Corporation for its management, contemplated the possibility of that Corporation ever becoming a popular body,—a popularly elected body? On this ground alone he, for one, should feel bound to oppose this clause. He did so with some regret, because he believed the school might possibly be rendered of more general utility by the introduction of a more general system of education. But it appeared to him, that, by the Charter, the school was distinctly "a Grammar School," and a grammar school, under the exclusive management of a warden and six assistants; and the interpretation of the term "Grammar School" did not vest in this or that body of trustees but in the Lord Chancellor. Therefore he did not feel justified in so far violating the provisions of the trust as to transfer the management of this school from the body to whom it was intrusted by the Royal Charter of Edward 6th to the popularly elected trustees appointed under this Bill, even though by so doing the school might be rendered of more general utility.

Mr. *V. Smith:* The question was not so much as to the state of the school, though in the Report of the Municipal Corporation Commissioners, great complaints were stated to have been made by the inhabitants of Louth upon that subject. The question was, is it proper that the management of this School should be transferred to the charitable trustees to be appointed under this Bill. Now, he (Mr. V. Smith) believed the great majority of the inhabitants of Louth to be desirous of that transfer. A petition had been sent up to that House, signed by a large proportion of them in favour of it. No arguments had been urged against this clause, which, in his opinion, were of any weight, and indeed he might state, that in the other House the clause exempting this school from the operation of the Corporation Bill was moved by Lord Rosslyn, without any reasons being given for it, and agreed to without any discussion as to its propriety. Under these circumstances he hoped the House would support his hon. and Learned Friend.

Mr. *Goulburn* quite agreed that the state of the school had nothing to do with this question, which was, whether an enactment having been introduced into the Corporation Act last Session, exempting this school from the operation of that Act, any valid reason had been given why that enactment should be repealed by a clause in this Charitable Trusts Bill? The facts of the case were these:—a petition was presented last Session to the other House of Parliament (during the progress of the Municipal Corporation Bill) on behalf of this school of Louth, representing that the School Corporation was created by Royal Charter, in the reign of Edward 6th;

whereas the Municipal Corporation had no existence till the reign of James 1st; and praying that the school might be exempted from the operation of that Bill. Now he (Mr. Goulburn) never understood it to be the object of this Charitable Trusts Bill to interfere with cases not properly connected with a Corporation. In this instance, it was evident that the school having been long anterior to the Municipal Corporation, they stood on totally distinct grounds; and he could not think it proper, with no further discussion, merely upon the suggestion of an individual Member, to repeal an enactment in the Municipal Corporation Act—an enactment, be it remembered, which was not objected to when that Bill came down from the other House.

Lord *John Russell:* With reference to the last observation of the right hon. Gentleman, that when the Corporation Bill came down from the Lords, no objection was made to the introduction of the clause exempting Louth school from the operation of the Bill, I am certainly responsible for that. A deputation from Louth waited upon me, to whom I stated, that in my opinion it was not wise to insist upon that particular point at that time, as it was highly important that the Bill should pass that Session, and I believe that was the sole reason why this point was not then pressed. The right hon. Gentleman has stated the facts of this case as they are given in the Report; and it appears that the Charter of Edward 6th established a Corporation, consisting of a warden and six assistants; the original intention being that this body should have the management of the school at Louth; but in the reign of James 1st, the Corporation was enlarged, and invested with all the rights annexed to a Municipal Corporation. Now, really I cannot see that it makes any difference in this question, whether we have first a Municipal Corporation, to whom is afterwards intrusted the management of the school; or first, a Corporation for the management of the school, enlarged subsequently into a Municipal Corporation. We are to look at them as they exist in the reign of William 4th; we find them both now forming one body—we find the warden and six assistants, along with the management of the school, exercising the functions of a Municipal Corporation; and that being the case, it seems to me that it was an error in the Bill of last year, to except this school from its operation, and that this is a fit opportunity for repealing that enactment.

The House then divided:—Ayes 65; Noes 33:—Majority 32.

Clause read a second time, and added to the Bill.

Mr. Lechmere Charlton moved, that the Report be brought up that day six months.

The House divided:—Ayes 7; Noes 82:—Majority 75.

List of the AYES.

Hale, R.
Halford, H.
Henniker, Lord
Knightley, Sir C.
Lowther, hon. Col.
Perceval, Col.
Sibthorp, Col.
Vere, Sir C. B.

TELLERS.

Charlton, E. L.
Praed, W. M.

List of the NOES.

Adam, Sir C.
Aglionby, H. A.
Astley, Sir J.
Baines, E.
Baldwin, Dr.
Baring, F. T.
Baring, T.
Beauclerk, Major
Bernal, R.
Blake, M. J.
Blamire, W.
Boldero, H. G.
Bowring, Dr.
Brady, D. C.
Brotherton, J.
Buckingham, J. S.
Bulwer, H. L.
Campbell, Sir J.
Chalmers, P.
Ewart, W.
Fitzgibbon, hon. Col.
Gordon, R.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hobhouse, rt. hon. Sr J.
Howard, R.
Howard, P. H.
Hoy, J. B.
Hume, J.
Hutt, W.
Labouchere, rt. hon. H.
Leader, J. T.
Lennox, Lord G.
Lennox, Lord A.
Lushington, C. W.
M'Namara, Major
Murray, hon. J. A.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Palmerston, Viscount
Parker, J.
Parrott, J.
Pelham, hon. C. A.
Potter, R.
Price, Sir R.
Pringle, A.
Pryme, G.
Price, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Smith, R. V.
Smith, B.
Stanley, E. J.
Strutt, E.
Thompson, Colonel
Thornley, T.
Townley, R. G.
Trevor, hon. A.
Tulk, C. A.
Vere, Sir B.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Williams, W.

TELLERS.

Steuart, R.
Grey, Sir G.

Mr. A. Trevor moved the insertion of the word "freemen" after "burgesses," in line 2 of clause 3, in order to give freemen the right to vote for the nomination of charitable trustees.

The House divided:—Ayes 21; Noes 55:—Majority 34.

List of the Ayes.

Alsager, Captain
Baring, T.
Bramston, T. W.
Brownrigg, S.
Chisholm, H. W.
Clerk, Sir G.
Eaton, R. J.
Gladstone, T.
Hale, R. B.
Halford, H.
Hoy, J. B.
Knightley, Sir C.
Lincoln, Earl of
Lowther, hon. Col.
Perceval, Col.
Praed, W. M.
Pringle, A.
Shaw, rt. hon. F.
Sibthorp, Col.
Wakley, T.
Williams, W.

TELLERS.

Trevor, A.
Charlt

List of the Noes.

Aglionby, H. A.
Baldwin, Dr.
Baring, F. T.
Beauclerk, Major
Bernal, R.
Blake, M. J.
Blamire, W.
Brady, D. C.
Brotherton, J.
Chalmers, P.
Ewart, W.
Fitz Gibbon, hon. Col.
Gordon, R.
Grey, Sir G.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hobhouse, rt. hon. Sir J.
Howard, R.
Howard, P. H.
Hume, J.
Hutt, W.
Labouchere, rt. hon. H.
Leader, J. T.
Lennox, Lord. G.
Lennox, Lord A.
M'Namara, Major
Murray, rt. hon. J. A.
O'Connell, J.
O'Connell M. J.
O'Connell, M.
O'Loghlen, M.
Palmerston, Lord Visc.
Parker, J.
Parrott, J.
Pelham, hon. C. A.
Potte , R
Price, Sir R.
Pryme, G.
Rice, rt. hon. T. S.
Rolfe, Sir B. M.
Russell, Lord J.
Ruthven, E.
Smith, R. V,
Stanley, E. J.
Strutt, E.
Thompson, Col.
Thornley, T.
Townley, R. G.
Tulk, C. A.
Villiers, C. P.
Wallace, R.
Warburton, H.
Wilbraham, G.

TELLERS.

Bowring, Dr.
Steuart, R.

Report agreed to. Bill to be read a third time.

HOUSE OF LORDS,

Thursday, July 29, 1836.

MINUTES.] Bills. Read a third time:—Postage on Newspapers; Land Tax Commissioners Names.—Read a second time:—Paper Duties; Admiralty Jurisdiction (Prince of Wales's Island).—Read a first time:—Stafford Bribery.

Petitions presented. By Lord DUNCANNON, from Waterford, complaining of Great Irregularity in the Grand Jury Rates, and praying for Equalization of said Rates.—By Earl BROWNLOW, from Cleethorpe and Thrunscoe, against Oyster Fisheries' Bill.—By Lord LYNDHURST, from Poole, to be heard by Counsel against Poole Corporation Bill.—By the Duke of BUCCLEUCH, from the Synod of Caithness and Sunderland, against Universities' (Scotland) Bill.—By Lord FITZGERALD and VESCI, from the Grand Jury, Donegal, against Grand Juries' (Ireland) Bill; also that a Clause may be added to the Bill requiring the County Treasurers to pay over the Balance in their hands after each Assizes.

STAFFORD DISFRANCHISEMENT.] The Marquess of *Clanricarde* rose to renew the motion which he had formerly made—namely, that the Stafford Borough Disfranchisement Bill be now read a second time. The evidence that had been submitted to their Lordships, with respect to the corrupt state of this borough, had been so fully confirmed by the witnesses lately examined at the bar, that a doubt as to the propriety of passing the measure then on their Lordships' table could no longer be entertained. His noble and learned Friend opposite had been very severe on the evidence formerly given, and had said, that he could not act on the belief of that evidence; but that which had been adduced in the present instance was so full and clear—the evidence laid before the Committee of the House of Commons was so decisive—that no doubt of its truth could enter the mind of any reasonable man. It ought particularly to be observed, that all the witnesses brought forward, with scarcely one exception, were hostile witnesses—nay, one or two of them narrowly escaped severe censure, if not punishment, in consequence of the manner in which they gave their evidence; and that they had so escaped was owing rather to the leniency of their Lordships' House, than to the discretion or fairness of the witnesses themselves in giving their answers. Their Lordships had thought proper to begin the examination with reference to the election of 1835. The Bill, however, was not founded on any thing that had occurred on that occasion, and therefore the examination was so far irrelevant. The Bill then before their Lordships' House had reference to former delinquencies; and if at the latter period, that of 1835, the constituency sought to retrieve their character in some degree, that circumstance ought not to prevent their Lordships from legislating on preceding transactions of a culpable nature. Their Lordships then went back to 1826, and it was proved that the successful candidates at that election paid, the one 9,000*l.*, and the other 6,500*l.*, forming a gross sum of 15,500*l.* In 1830 the two successful candidates paid, the one 2,300*l.*, and the other 2,500*l.* The unsuccessful candidate paid 1,000*l.*, and had only one-half the number of votes that were given to the other candidates. In 1831, one of the gentlemen who had been elected in 1830, having got a better knowledge of the borough, and his agent being an acute observed, deemed it far cheaper to bribe than to treat, and was returned by a considerable majority. In 1832, a petition was presented against the two successful candidates. That petition was referred to a Select Committee (a more fair or impartial Committee could not have been appointed) and in the Report of that Committee, the present Bill originated. As to the subsequent election of 1835, there was no necessity for their Lordships to inquire into it at all. This, however, he would say, that the election of 1835, so far from relieving the constituency of Stafford from the charges brought against it, actually stamped that constituency, looking to all the circumstances, with the character of corruption. It was proved that 186 persons had been directly bribed by one of the candidates, while a system of unlimited treating was encouraged by the rest. A sum of 5,500*l.* was expended, and the gentleman whose liberality was best known was elected. It appeared that, in the course of five elections, which occurred in ten years, not less than 36,582*l.* were expended amongst a constituency now stated to amount to 1,270, but of whom not more than 1,100 were in the habit of voting. Thus nearly 4,000*l.* a year was poured into Stafford during these ten years merely for the purchase of votes. A number of persons had petitioned against this Bill. They expressed the utmost indignation at the charge of corruption which had been brought against the borough generally, and they besought their Lordships not to suffer them to be involved in the consequences of the guilt of others. Now, in 1832, a petition was presented against the sitting Members, and the petitioners called upon the Legislature either to pass a Bill for regulating the future elections, so as to prevent bribery, or to extend the franchise to the occupiers of houses of 10*l.* a year. Now, he found that that petition was signed by 126 of the persons who had also signed the present petition. In the latter instance the number of petitioners was 407, of whom forty-five were non-resident. The petition was therefore really signed by 352 electors; and of that 352 no less than 220 were proved to have been directly bribed. In the address of one of the defeated candidates at a recent election, that gentleman actually spoke of the electors as corrupt; and one of the witnesses before the Commons' Committee declared that there was more virtue in the old constituency than in the new. It appeared, indeed, throughout the evidence that money, and money alone, was considered by the electors in returning Members to Parliament. Treating had been practised to an enormous extent. He knew that treating was different from bribery, but it was not therefore a less offence. In a moral point of view, it might be considered worse. Treating had a more baneful effect in a town than bribery. Bribery affected only individuals, but treating filled the whole town with dissipation and debauchery. He contended, that almost the whole constituency of Stafford were involved in this charge, some he allowed in a greater, and some in a less degree; but, in his opinion, their general conduct had been such as rendered them unfit to return Members to Parliament. On these grounds, he called on their Lordships to read the Bill a second time.

Lord *Ashburton* admitted that something ought to be done in this case, that some remedy ought to be provided for the evil complained of; and the question simply was, whether the most proper course for them to take was to pass this Bill. He had paid considerable attention to the evidence as given at the bar, and he had read it over again, to satisfy his mind on the subject. He would not occupy their Lordships' time by recapitulating the evidence in detail, but he would state what appeared to him to have been proved. They had two points to consider—namely, what had been proved, what were the real facts of the case; and then what was the remedy to be applied to the evil. He admitted, in the first place, that there had been some degree of corruption, but it was chiefly confined to treating, to ordinary treating, such as existed in many other places. While he said this, he begged to be understood as not defending the system of treating, which, on the contrary, he thought could not be justified. But while he considered that the charge of treating was a proper one to be considered by the House of Commons, he could not bring himself to think that it was a fit ground on which to pass an act for disfranchising the borough. So much for treating. As to bribery, it had been proved to a certain extent, but not to such an extent as would justify this measure. With respect to the election of 1826, when Vincent and Ironmonger were returned, there was no proof of bribery. Credible witnesses, witnesses who gave their evidence very fairly, had deposed at the bar that there was no bribery on that occasion. In the contest between Beaumont and Spooner there appeared to have been considerable bribery. That certainly was the heaviest case of bribery that had been stated. Mr. Spooner was the popular candidate, but Mr. Beaumont came down with the writ, scattered money abundantly amongst the electors, and defeated the object of his opponent. In 1830, however, Mr. Gisborne got 656 votes without any payment at all. In the subsequent election of 1831, the candidates were the present Attorney-General, Mr. Gisborne, and Mr. Hawkes. There was then bribery on the part of those who acted for the Attorney-General and Mr. Gisborne, but no bribery was imputed to Mr. Hawkes. The Attorney-General, more cunning than the other candidate, stipulated to pay something down, and the rest when he was elected; but Mr. Hawkes, who made no bargain, polled 476 votes. Then came the election of 1832, when Blunt, Chetwynd, and Gronow, were candidates. On that occasion he believed that head money was almost universal. This brought them down to the last election, that of 1835. His noble Friend had said, that the number of votes at the Stafford election was always in proportion to the amount of payment. But, in this instance, it appeared that the person who resorted to bribery lost his election, and that those who received money had been scouted by the other voters. The two other candidates, Mr. Goodricke and Captain Chetwynd, who had not resorted to bribery, were successful, while Captain Gronow was defeated by a large majority. It was a remarkable feature in the election of 1835, that the poor voters, many of them shoemakers, resisted bribery, while those who were in better circumstances were seduced by it. As to the parties who were now, as at all times, most clamorous for purity of election, and most anxious to promote the passing of such Bills as that, he could not help observing that they belonged precisely to that class who, it appeared, were the prominent parties in the acts of bribery proved in the Stafford inquiry. He wished, then, that their Lordships would direct their attention to the exact situation of the facts of the case as they stood, with a view to adopt that course in their legislation which might appear best for the place intended to be made the subject of the act, and on the whole best for the country at large. The question now brought under the consideration of their Lordships was one of much moment. It was really no trifle to disfranchise a county town with such a population as Stafford, and looking at the present state of the House of Commons, he felt himself fully justified in saying that it was any thing but desirable to diminish the number of moderate-sized towns sending Representatives to Parliament. He did not desire to see the House of Commons mainly composed of Members from agricultural counties, and from large manufacturing towns; on the contrary, he rather desired to preserve the power of returning Members to those which were more or less connected with both, and which contained that amount of population that prevented their partaking exclusively of the character of either. He, of course, was perfectly ready to admit, that in the case of Stafford something decisive must be done. They might adopt a Bill, the express purpose of which was complete and entire disfranchisement, treating the case of Stafford as one allowing of no remedy—that was one course open to the House; another was, to deal with distinct classes of the electors. Now, neither of these courses was free from difficulty; to one of them he must positively object, namely, the proposition for total disfranchisement. He did not feel favourable either to a disfranchisement of the freemen; they might be in some instances necessitous; in many cases he feared that they were so, but, at the same time Parliament ought not to overlook the fact, that the new constituency called into existence under the Reform Bill, the householders could not be considered as altogether free from the accusation of poverty, or at least the sort of suspicion to which the absence of independent circumstances must render them liable; and therefore, so far as Stafford was concerned, the freemen and the householders stood in pretty nearly the same situation, and so far at least there was not much to choose between them. To total disfranchisement, then, as well as to a partial disfranchisement of the freemen, he professed himself averse; and instead of either of these courses, his feeling woud be favourable to taking up the electors convicted before the Committee in 1835, and adopting the precedent created in 1771 with respect to Shoreham—namely, to disfranchise the guilty individuals by name. Time having been given them to reflect—having allowed them a *locus penitentiæ* of which they might have availed themselves, he gave it as his decided opinion that the best course would be to disfranchise them by name, and in giving to the world a list, it would afford him great satisfaction to add the names of the persons who bribed, for they were the most culpable parties. He was fully aware of the difficulties attending almost any arrangement that could be made. To alter the whole Bill, excepting the word "whereas," with which it commenced, was a course that their Lordships would probably not like to pursue with respect to a measure that had received the sanction of the House of Commons; at the same time, he should be sorry to see a Bill of that sort rejected without having its rejection accompanied by a declaration expressive of the wish of that House to put an end to such practices, as he regretted to say, had prevailed in Stafford. He did not think it right then to trouble the House at any great length, for he wished not at that moment to propose any more decided step till he heard the opinions of noble Lords of greater experience and judgment than himself.

The *Lord Chancellor* said, that by the Bill it was proposed totally to disfranchise the borough of Stafford, and to take out of the present House of Commons that number of Members which Stafford at present returned to Parliament. It might be true, as had been stated, that some of the respectable inhabitants of that borough had thought proper to express very strongly the feeling which late elections in Stafford raised in their minds; that, beyond all question, was to be received as a strong evidence of their increasing purity; but it was somewhat worthy of observation that the display of that purity appeared to keep pace pretty accurately with the progress of Reform in the Legislature, and the extension of liberal principles throughout the country; and he saw in that, nothing, certainly that entitled the constituency of the town to a continued enjoyment of the rights of electors, especially the lower orders of the electors, who were, in his opinion, the parties chiefly to blame, though less on the last than on former occasions. Considering, however, the great increase in the constituency of the town effected by the Reform Act, and looking at the result of the evidence, it did appear to him that a sufficient case had not been made out for the passing of the Bill, by which, as he had already stated, there would be a complete disfranchisement of the borough. At the same time it was impossible to go through the evidence without seeing that a strong measure was necessary, yet still not to the extent proposed by the Bill. One mode of dealing with the question which had been proposed was to disfranchise distinct classes, the other mode was to disfranchise individuals To the latter there was this obvious objection, that the proof of the criminality of individuals came out incidentally — that it was not a subject of direct, formal, and regular inquiry, and therefore such information as might so have transpired on the subject ought not to be admitted as just ground for legislative enactment. They had only gone into evidence to show the practice of notorious bribery. The establishment of that fact being the point to which the inquiry was directed, and the evidence influenced in its character by the pursuit of that object, he confessed he did not see how they could with any propriety, entertain the proposition for disfranchising individuals by name. The Bill then before their Lordships raised this question—whether or not the whole town should be disfranchised? and to that he was prepared to give a negative. What more mitigated course they might hereafter think proper to pursue it was not for him then to suggest, but he felt clear in the opinion that they ought not to agree to the second reading of that Bill.

The Marquess of *Clanricarde* briefly replied, observing, it had been said that the persons professing liberal principles were the principal delinquents, while they were the most clamorous for purity of election. Be that as it might, one thing was clear, that if the House did not adopt the present Bill, they would declare themselves favourable to the practice of bribery.

The Duke of *Wellington* thought the Bill ought to be read a second time, and at a future stage they might take into consideration what modification appeared to be most expedient.

The *Lord Chancellor* was afraid that they could not make such an alteration in Committee (with propriety, at least) as would satisfy the views of either party.

Lord *Ashburton* under these circumstances would move that the Bill be read a second time that day three months.

Viscount *Melbourne* would not vote for the second reading, but in making that declaration, he wished to guard against its being supposed that he was unwilling to do all that circumstances could warrant for the purpose of correcting the malpractices against which the Bill was directed. No one wished more earnestly than he did to put an end to such practices.

The House divided: Contents 4; Not-contents 55—Majority 51.

Bill put off for six months.

ESTABLISHED CHURCH.] Viscount *Melbourne* said, that the Bill of which he had then to propose the second reading was a measure founded upon the Report of the Commissioners appointed by the Crown. The Reports of those Commissioners were already upon the table of their Lordships' House, and, as must be known to them, one of the recommendations contained in those Reports was, that the temporal offices attaching to the see of Durham should be separated from the ecclesiastical offices. The Bill, however, to which it then became his duty to direct the attention of the House, was one that did not at all require he should trouble them at any length in the way of general argument in order to persuade them to agree to the second reading; at the same time, it was in some degree necessary that he should trespass upon the indulgence of the House, in order to correct, or rather to guard against, some misapprehension that had gone abroad upon the subject, and more especially for the purpose of correcting some misrepresentations which had gone forth as well in another place as outside the walls of Parliament. Still he should only trouble them with a few observations, stating the objects of the Bill, defending its authors, and explaining the principle upon which it was founded. It had been represented out of doors that the measure went to create two new additional bishoprics. The fact was not so. It did no such thing, neither did its authors propose to introduce into Parliament any additional ecclesiastical Peers. It had been found that the sees of Gloucester and Bristol might be advantageously united, as might those of St. Asaph and Bangor. It had likewise long been matter of great inconvenience and the cause of great complaint, that the sees of York and of Chester should be so very large. These two latter sees it was proposed to divide into four, and to unite those four first mentioned so as that they should form only two. Thus there would be no addition made to the House of Lords, no increase of ecclesiastical authority in that branch of the Legislature, nor would episcopal jurisdiction be in any way extended. On that point there was a general misapprehension of the provisions of the Bill, and he wished to give to that a most distinct contradiction. The next topic to which it would be necessary for him to direct the attention of the House was the invectives with which the measure and its authors had been assailed, and one of the most prominent grounds of the attack thus made was the amount of income which the Commissioners recommended should be allotted to the Bishops. In the whole of the discussion of that question their adversaries had treated them as if the authors of the measure had to frame a new system, instead of dealing with one that they found already established, as if there had not existed in this country for many centuries an ancient and settled establishment, which the great majority of the people were determined to support, and to which they adhered with a most warm and cordial attachment. Even those who in a degree withdrew themselves from the communion of the Established Church, and who in fact professed themselves Dissenters from the Church, still would rather it should remain established, than submit to the dominancy of any of the sects into which the Protestant community was divided. The established religion had at all times commanded the respect and approbation of the great body of the Dissenters. With this state of things it was that they had to deal; and unless they intended entirely to alter the nature and character of that Establishment—which, for one, he begged to say he was by no means prepared to recommend or support; unless they were prepared to recommend a complete change of the nature and character of that Establishment, there was nothing for them to do but to retrench the superfluity, and correct that which appeared to them to be in some degree subject to the charge of being an abuse. He had seen out of doors the right reverend Prelates accused of great cupidity and avarice, as evidenced in the recommendation which they had concurred in making. Nothing, however, could be so unfounded as that charge. It was utterly impossible that the Commissioners could be influenced by such feelings; for,as the Bill was not intended to have any present or personal operation, they could have no individual interest one way or the other—no selfish object to promote. It was true that they might be attached to their order—it was true that they might be more or less under the influence of professional or religious prejudices, but it was not true that their conduct partook of a base, sordid, or dishonest character. He would ask their Lordships to give their consideration to what were the present incomes of the Bishops, and to what they proposed them to be; and he would begin with the higher rates of income. Taking that of the Archbishop of Canterbury, which they proposed should be 15,000*l.* a year, he would ask their Lordships whether, considering the station which the Archbishop of Canterbury was accustomed to fill, and the respect and influence they desired to secure to him in his station, he was hereafter to hold—considering the nature of the society in which he must move, and those rules of life, from the observance of which it was impossible for any man to escape—considering the wealth in this country and the distribution of that wealth—considering the fortunes that had been amassed and were every day amassing—could it be said that 15,000*l.* a year was an extravagant income? Their Lordships knew very well what such an income as 15,000*l.* a year was. He did not say, that if carefully attended to, if well watched, it was not sufficient for the purposes for which it was intended—he did not say, that it would not enable him who possessed it to live in comfort, to afford a decent and proper hospitality, or even to exhibit a becoming degree of generosity, but he must assert that it would allow of nothing superfluous; every man knew, that it would not furnish the means of princely splendour, of magnificence, or extreme luxury; above all, it would not admit of any waste, profusion, or negligence. Then he put it to their Lordships, and he put it to the country, whether, unless they intended materially to alter and change the character and nature of the Establishment—for which, he repeated, he was not prepared—it was just, to say that what was recommended on this occasion was in any degree exorbitant? and if this were true, as regarded the higher rates of income, he imagined it applied with greater force to the inferior incomes. When they were told, as they were perpetually told, that the proposed incomes were three times as much as was allowed to the principal Ministers of State, and considerably more than was allowed to the superior Judges in our Courts of Law, he begged to say he considered those comparisons as in no degree fair, or as leading to any just inference. As regarded the higher offices of the State, their Lordships knew that there always had been, and always would be found, competent persons of considerable fortune, who were tempted by motives of ambition to undertake such offices. That was not the case, he apprehended, in the Church. Fortune and title might descend on a man engaged in the ecclesiastical professions, but he conceived it was a rare thing for a man with a considerable fortune to embark in the first instance in the Church. A man came to a see probably a poor man; it was very improbable that he came to it a rich man. He came to a high station in the state, then, a poor man, and with the disadvantage of having an income which terminated with his own life. Their Lordships were all aware of the embarrassments to which high station subjected individuals under such circumstances. With respect to the higher situations in the law, they were generally bestowed on barristers who had been lawyers in great practice, and who had had an opportunity of making a fortune in the course of their practice before they arrived at that station. He said, then, taking all these matters into consideration, it must be felt that, unless it was intended to alter the whole system of the Establishment, they were justified in allowing the incomes that had been recommended, and as far as any suggested change in the entire nature of the Establishment went, he would declare that he believed it not to be called for by the feelings or wishes of the country. There were two other points that had been made the subject of much attack—first, the constitution, and secondly, the powers of the Commission. It was thought that those who had become familiar with the subject in the course of the inquiry which had been instituted were likely to be the best qualified to carry into effect the recommendations they themselves had made. It was proposed that the Archbishop of Canterbury, the Archbishop of York, and the Bishop of London should be permanent members of the Commission. There were to be two other Bishops in it, and a noble Earl, whom he saw opposite; there were two laymen, whom it was proposed to appoint; and these were to be removable at the pleasure of the Crown. The power given was to carry into effect the recommendation of the Ecclesiastical Commissioners. Those regulations were not to be departed from, the powers of the Commissioners were to be limited to matters of detail and modification. Their duty, then, was to form a scheme to carry the recommendations into effect to be submitted to his Majesty in Council; and when approved of by the Privy Council, his Majesty would be empowered to make an order to carry the plan into operation and such order was to be laid before Parliament. He did not believe that, as regarded this arrange ment, persons most jealously disposed could find any reason to be apprehensive of the authority with which this Commission would be trusted. He had now described the principal provisions of the measure, and, in conclusion, he would move that their Lordships should give the Bill a second reading with a view to carry the recommendations of the Commissioners into effect.

The Marquess of *Clanricarde* said, he should not make any observations on the details of the Bill, but there were some of them to which he objected because they did not appear to go far enough. His chief reason, however, for opposing the Bill was, that he did not regard it as likely to be a final settlement of the subject. It might be said, indeed, that no Bill could be considered to be a final settlement of any question; but he thought that the Bill now before the House made very little advance towards such a consummation. He did not deny, that the Bill was calculated to do a great deal of good, but there remained much more to be done. The noble Viscount had made some very strong remarks for the purpose of justifying the proposed income to be allowed to the Archbishop of Canterbury, but he had said not a word about the proposition that the future Bishop of London should have 10,000*l.* a-year,—a proposition which he was not prepared to accede to. He felt that it was rather an invidious task to make remarks of this kind, but he must say, that while he agreed with the noble Viscount that they were not called upon to provide the Prelates and superiors of the Church with means for splendor and luxury, they were bound to think a little of the other persons in the profession who really did a great deal of the work—he meant the working clergy and curates of the country. Misconceptions of the nature of the Bill out of doors might exist, but the disproportion of the work and pay of the clergy had long excited public attention, and he believed that very little misconception prevailed upon that point.

The Bishop of *Exeter* was very unwilling to disturb the unanimity with which he hoped the second reading of this Bill would be agreed to. The object of the Bill, which he owned he entirely approved, was to put an end to the practice of commendams, and to discourage the practice of translation. He thought, too, that nothing could be better devised than the plan of distribution, because nothing was taken from any other rank of the clergy than the episcopal. But, although he warmly assented to the general policy of the Bill, he must be permitted to make two or three remarks upon some of its provisions. He did certainly wish that a larger machinery than was necessary had not been erected; he thought that all that was necessary was, that a Commission should be created by Parliament to carry into effect the objects recommended by the Report of the Ecclesiastical Commissioners. There was in the Bill as it now stood, a tendency to a perpetual change, because a machinery calculated to produce a perpetual change was to be established; and to that part of the Bill he did not feel disposed to consent. He thought, that instead of having a septennial revision of the revenues of the sees, it would have been much wiser to give the measure a permanent character, and a security against repeated changes. He lamented also that this Commission was to be made a Corporation, because there was no reason why it should be so, except for the purpose of making perpetual changes. He thought that it would be quite sufficient to appoint the Commissioners for the period of time which would be necessary for the purpose of carrying into effect the preamble of the Bill. The noble Viscount had told their Lordships that the Commissioners who had made the recommendations were to be appointed; that was a very fit and proper regulation, but what security was there that those persons would be permanent members of the Commission, seeing that they were removable at his Majesty's pleasure? He did not deny, that there could be found a similar instance of persons being removable at the pleasure of the Crown who were Members of a Corporation; but he believed no instance could be produced in which the majority of the Commissioners were so. But the objection which he felt to the constitution of this Commission did not stop there. The Commission being subject to removal at the pleasure of the Crown, would necessarily become a political body, liable to shift and change with the change of Governments and the variations of political influence. They would therefore be exposed to the temptation of using their power for political purposes. It was only a very short time ago that an Ecclesiastical Commission for Ireland was appointed, and of all the Members of that Commission one only was removeable at the pleasure of the Crown, and therefore it was less likely to be operated upon by political influence. This departure on the part of the present Government from the precedent they had so recently established, he confessed, did not a little startle him, especially as that precedent seemed to be avoided in such a way as to make the Ecclesiastical Commissioners totally dependent upon the political influence of the day. He was willing to hope, however, that when the Bill went into Committee it would receive some improvement in this respect. He must take that opportunity of expressing his dissent to that clause of the Bill which gave the Commissioners the power of summoning before them any persons, and of calling for any documents, thus rendering the Bishops liable to be dragged about from the very extremities of the country at great inconvenience and expense. In the 10th clause it was proposed, that the Commissioners should prepare and lay before his Majesty's Council such schemes as were calculated in their view, to carry into effect the recommendations of the Report. From those words, coupled with certain recommendations, it appeared to be possible that the Commissioners would recommend some scheme which would destroy the independent character of the clergy, and make them stipendiaries of the State; and that measures would be proposed which would enable the Commissioners absolutely to grasp the whole of the Church lands and estates. He considered that to be possible; but he did not think it had been gravely intended by the present Commissioners that such schemes should be proposed. He heartily thanked the Government and the noble Viscount for the manner in which the Bill had been brought forward; and he rejoiced that the noble Viscount had declared himself unwilling to become a party to any scheme for disturbing the entire establishment of the Church. Whatever defects there were in the Bill he hoped would be remedied in Committee; and he trusted that the end of their deliberations would be to strengthen their attachment to the Church, which he hoped they would ever continue to support, as it was established, for the purpose of upholding true religion, real piety, and sound morality and loyalty in the land.

The Bishop of *Lincoln*, as one of the members of the Commission, begged to assure his right rev. Friend that he had never contemplated any such propositions as those which had been conjectured by that right rev. Prelate.

The Bishop of *Hereford* felt, that he could not give a silent vote on the present occasion—a vote, however, he could not call it, for there appeared to be so much unanimity in the House, that he supposed they would not be called upon to record their votes. But he could not say, that he felt satisfied with the Bill, or that he looked without fearful apprehensions to the consequences of the great changes which it was designed to make in the Church, and which he thought were calculated to destroy its independency. He believed that the effect of the Bill would be to render the clergy mere stipendiaries of the State. Although such a proposition was not positively stated in the Bill, he believed it must follow as a necessary consequence; for the man who was not at liberty to hold and administer his property himself, but was amenable to a tribunal which had the power to examine into the amount of his property, and to say to him—" Beyond this you must not go; deliver the rest to me"—such a man he could not conceive to be in any other state than that of a dependent person. He would ask, was that the intention of the Church Commissioners? But he would refrain from going any further, seeing the opinion that was held by a large majority of that House, or rather by nearly the whole of their Lordships; he would only say, that he felt this Bill to be a blow struck at the Church, which would be so fatal that he feared it would never recover from its effects.

The Archbishop of *Canterbury* was anxious to correct some misapprehensions on the part of the right rev. Prelate who last addressed the House, and who seemed to suppose that certain Bishops were to be under such a management that they would not be any longer masters of their own incomes and estates. If the right rev. Prelate had looked a little more accurately into the Bill, he would have seen that a certain payment was to be charged upon the larger sees, with a view of leaving them, on the average, as many thousands a year as were stated in the Bill. All the management of their own property was left to them, subject to the regulations prescribed. Suppose, for instance, the Archbishop of Canterbury's income was estimated at 18,000*l.* a year; he would be charged a tax of 3,000*l.*, in order to reduce it to 15,000*l.* a year on the average; some years it might be more and others less. When the Bill passed into a law, then, he would have to pay 3,000*l.* a year for the next seven years, when a revision would take place, and in proportion to the varying increase or diminution of the revenue the tax would be augmented or decreased. There was then nothing but a mere tax, and nothing that in the slightest degree would take away from any Bishop's independence in the management of his own income. Some gross misrepresentations had been made in respect to this Bill, but they had been ably noticed by the noble Viscount; and there were some objections to be taken to parts of the Bill, but which were very properly reserved until it went into Committee, which would be the proper time for the discussion. He must, in conclusion, express his gratification at hearing the declarations of the noble Viscount with regard to his attachment to the Church, and his unwillingness to entertain any proposition for an entire change in its constitution.

Bill read a second time.

HOUSE OF COMMONS,

Friday, July 29, 1836.

MINUTES.] Bills Read a third time:—Foreign Lotteries Bill; School Rooms; Inns, Alehouses, and Victualling Houses; (Cape of Good Hope) Offences.—Read a first time:—County Rates; Coal Trade; Greek Loan.

Petitions presented. By Mr. R. WALLACE, from Inverness, for the dispatch of a daily Morning Mail from London to the North; and from Burghead, complaining of the Charge of one Penny on each Newspaper transmitted through that Post.—By Sir GEORGE STRICKLAND, from Hickmondwicke, against Factories Act Amendments' Bill — By Mr. GROTE, from Hare Court Chapel, Aldersgate Street, for the Abolition of Church Rates.

TRINITY HARBOUR.] Sir A. L. Hay brought in a Bill for making a Harbour and Docks at Trinity, which was read a first time. On the motion that it be read a second time on Monday,

The *Lord Advocate* rose to oppose it. He said that every one must admire the zeal with which his hon. and gallant Friend persevered in bringing forward this Bill a third time, but he doubted much whether the House would consent to pass the measure, which had been kept so long before them in consequence of the blunders of the promoters of it. There was no precedent for granting such an indulgence as the suspending of the standing orders for a private Bill of this description, and he hoped the matter would be finally disposed of by rejecting the motion.

Sir *George Clerk* assured the House that he was taken completely by surprise on the introduction of a third Bill, and not the less so on reading that morning that the Committee had sanctioned such a proceeding. As he had left the room when the Bill was rejected, he could not say what had taken place afterwards; but this he knew, that if such an arrangement were entered into, he was no party to it. He had given his opinion before, that the parties were not entitled to the extraordinary indulgence which they sought for, and which could not be sustained by any precedent; but it would be entirely with theHouse to say whether they would uphold their privileges or not. In consequence of the connection of the Speaker with the place, they were precluded from having the opinion of the right hon. Gentleman on the merits of this Bill. All, therefore, he would now say was, that, if they agreed to the motion, it would be opening the door to a practice that would ultimately turn out to be extremely inconvenient.

Sir *George Strickland*, as one of the Members of the Standing Orders Committee, was disposed to support this Bill on its own intrinsic merits, and particularly so when he was informed that it was in danger of being rejected on account of the determined opposition to it. But when he reflected that this was the third time of its being before the House, and that it was owing to the blunders of the parties, and, moreover, when he looked to the late period of the Session, he confessed he should hesitate before giving his assent to the motion. With these feelings he could not consistently support the motion of his hon. Friend.

Mr. *Wilks* considered, that it would be extremely hard to reject this Bill, the second reading of which was carried by a majority of 64 to 19, on a mere clerical error. The only objection was, that the copy of the printed form of the Bill did not correspond in some few immaterial particulars with the House copy, when it was well known that the latter had become a perfect nullity. If the standing orders were to be now enforced, it would be pronouncing a condemnation on the Bill, and he would impress on his hon. Friend the justice and necessity of persevering in his motion.

Sir *James Graham* said, there was no necessity for urging the hon. and gallant Member to persevere, for he had already shown great intrepidity in bringing in a third Bill on the day the second was rejected. He was of opinion, that if the motion were now acceded to, it would be a signal triumph over the standing orders; and in future he should despair of upholding them. It was, therefore, in the last extremity that he would call on the Chair for an opinion on a subject of this description; but after the events of the previous day in the Committee, he should like to hear the opinion of the Speaker on the course now pursued by the promoters of the Bill.

Sir *A. L. Hay* was fully impressed with the importance of the opinion of the right hon. the Speaker, and hoped he would be induced to favour the House with it.

The *Speaker*: Whatever reluctance I may have felt, placed in the peculiar circumstances that I am under, to give an opinion with regard to this Bill, I can have no hesitation on the point, after the appeal that has been made to me. It is undoubtedly true, that this Bill appears to affect the interests of those I represent; but what I am about to say on the particular point now raised will be applicable to the general practice of the House, and will have no relation whatever to the merits of the Bill at present under consideration. This is a case where a party has already obtained the permission of the House to introduce a Bill a second time on account of an error that had been committed, and for the purpose of avoiding unnecessary expense. There is no doubt that such indulgence has been granted by the House in other cases. Indeed I could refer to a case that occurred no longer ago than last Session, in which the parties were allowed to repair an error arising from no fault of theirs, in order to avoid the expense of introducing a new Bill. When, however, the House is asked to give leave to introduce a new Bill, it is a fit and proper question for the House to consider whether the difficulty that has arisen, is not the act of the party making the application, and might have been avoided if due care and diligence had been used? It is of great importance to the House that those gentlemen who practise before it should be brought to use proper care and diligence; and it is the more necessary to enforce such care and diligence on their parts, since, in consequence of the recommendation of a Committee, the House now possesses but a slender hold upon them. Seeing that the pressure of private business is now every Session increasing, the House should be extremely cautious in extending any indulgence to parties to private Bills, and certainly such indulgence should only be granted w ere the parties have employed due care and diligence. Now, applying that principle to the case before the House, I should say that here is a case where the parties to the Bill, having already obtained the indulgence of the House, have failed in the careful and diligent performance of their duty; and it appears to me, therefore, to be a case no longer entitled to any favour from the House.

Sir *Andrew Leith Hay*, after the high opinion that had been so clearly expressed, would not trouble the House further, but withdraw the Bill altogether.

Motion withdrawn.

SLAVERY IN INDIA.] Mr. *Fowell Buxton*, seeing the right hon. the President of the Board of Control in his place, would take that opportunity of asking what steps had been taken in respect of that important provision in the East-India Company's Charter relative to the abolition of slavery in India?

Sir *John Hobhouse* assured his hon. Friend, that the Government were fully impressed with the importance of the subject involved in the question of his hon. Friend, and grounded on the Charter of 1833; but he could only then inform him that the subject was left entirely in the hands of the local authorities in India, who were on the spot, and could apply the operation of the clause in the Act with better effect than those at a distance. They would take the matter into consideration, and submit to the home authorities certain regulations for the manumission of slaves. Until such a plan was sent home they could not take the subject into consideration. The House was aware that the local authorities had taken means to prevent the introduction or the exportation of slaves, and they had entered into several treaties for that purpose; but he was sorry to say, that at Goa, and other Portuguese settlements, the slave trade was still carried on to an extent which he regretted very much. He would take an opportunity of drawing the attention of the Court of Directors to the fact, that no plan had been yet sent home, but as soon as it was, his hon. Friend might rest assured that every attention should be paid to the important subject.

Mr. *Fowell Buxton* hoped, that he misunderstood the right hon. Gentleman when he said that the Government either here or in India, did not feel themselves pledged to abolish slavery. It was understood in the House, that means would be taken to abolish slavery in India, and if that were an erroneous impression, the effect would be to raise a strong feeling throughout this country.

Sir *John Hobhouse* would read the clause of the Act by which the Charter was granted. The effect was, that the local authorities be required to take into consideration the means of mitigating the state of the slaves, and of extinguishing slavery throughout the whole of the Indian territories, so soon as such extinction should be safe and practicable, and that from time to time they should prepare and transmit to the Court of Directors the laws or regulations for this purpose, and in preparing such plans, due regard should be had to the laws of marriage and to the rights and authority of fathers and heads of families. He would, as he stated before, draw the attention of the Court of Directors to the fact that no law, regulation, or plan, had been sent home, to enable them to carry their intention in this respect into effect.

Subject dropped.

County Elections Polls.] Lord John Russell moved the third reading of the County Elections Polls Bill.

Mr. *Arthur Trevor* rose to state, that he should oppose the motion which had just been made. It appeared to him to be quite clear, that this Bill would prove a serious injury to those who desired to exercise the elective franchise. The principle of limiting the polling to one day might answer very well in cities, but in the case of counties it could not fail to be an injury. He was perfectly persuaded that if so short a time as one day only were allowed for polling, it would be utterly impossible, when an election might occur in the winter season, for those who resided a long distance from the polling places—suppose the case of a man being entitled to vote for each division of a county, and for a contiguous county—it would be impossible, under this Bill, for such party to exercise his right of voting in each place. An hon. Baronet, on a former occasion, had observed that a man might have a freehold in every county, and that no Bill ever could intend he should exercise his right in every instance; but this argument was, of course, one which went beyond all bounds. But he maintained that the proprietor of freehold property in contiguous counties had a right to exercise his privilege of voting, and that every facility ought to be given to him for this purpose. He had imagined that the first and great object of the Reform Bill had been to extend the elective franchise, and to give to every elector the power to record his vote. And he would appeal to hon. Gentlemen on both sides of the House, if they would only reflect on the matter, whether this Bill was not in direct contravention of what was professed to be the object of that Bill when the Reform Act was first introduced? It had been argued on the other side of the House that, in the case of towns, the limitation of the time of polling to one day had answered extremely well; and certainly, he was happy to say, the plan had not turned out so satisfactorily to his Majesty's Government as they had perhaps anticipated, especially in a contest which had occurred a few days since. By this measure gentlemen of landed property, who supported the agricultural interest, would be left in the lurch. He did not know with what object the Bill had been introduced, but he thought that hon. Members would agree with him that in the counties in England the elections had not turned out more propitious for his Majesty's present Government than in cities; and it might be an object with certain parties to see whether they could not propose something to turn the tables. But in this Bill there was much which was unfair to the electors without effecting any good whatever. In small populous towns the elections would be carried by clamour. At present there was always a great difference in the polling on the first and second day. There were always to be found many voters who shrunk from the mob law, which always distinguished the first day of polling. It had, indeed, been contended that all elections were decided on the first day; but this proposition was not tenable; because, were it so, practically, they would not have had the benefit of the eloquence of the hon. Member for Middlesex, who polled a smaller number than his opponents on the first day. Now, he would say, that the Bill was one which would be most injurious to the agricultural interest, which was not so substantially represented in that House as it ought to be. Upon that ground, and also because he thought the Bill was in direct contravention to the Reform Bill, he would divide the House on the motion for the third reading of the Bill.

Mr. *Grove Price* felt satisfied, that the effect of the alteration in the law, would be to give to unprincipled men the opportunity of creating tumult and confusion.

The *Chancellor of the Exchequer* remarked, that the object of the framers of the Bill was to diminish the expense of elections, by lessening their duration. The principle was the same, whether in towns or counties, and the multiplication of polling places would effect the object without inconvenience to any party.

Colonel *Sibthorp* objected to the principle of the Bill, feeling convinced that it was destructive to the rights, and was a direct blow aimed at property. He thought that the Chancellor of the Exchequer might have spoken on this matter in the manly way he sometimes spoke of other subjects, and plainly told them that it was a Bill intended to prop up a sinking cause. He looked for protection in another place for property, which protection he could not procure within the walls of that House. He thought the Bill most unjustifiable.

Mr. *Wilks* said, that if the Bill had not been introduced, there were difficulties already which would impede the voting of persons of property. He knew a gentleman, a friend of his, who by right of property, had a vote in twenty-six counties. It was impossible that he could avail himself of all these opportunities.

Sir *Charles Knightley* said, he had taken the trouble to look over the list of the division on this Bill on a former occasion, and he found upon dissecting them, that amongst the ayes, who formed the majority, there were only eighteen county Members. Now, in spite of all the tricks which might be played by the Friends of those on the opposite side—in spite of the practice of throwing brickbats at voters at elections, as in the case of the Warwick election, and though the cloven foot had stuck out in the counties, he only wished for an opportunity to try the practical working of this Bill.

Mr. *Mark Philips* said, when the hon. Gentleman talked of brickbats having been used at the election in Warwickshire—if he talked of bludgeons also, that would not lie at the door of those who sat on the Ministerial side of the House. He could name a rev. Gentleman. [" *Hear, hear.*"] If the hon. Member would take the pains to make inquiry, and would prove to him, that he (Mr. Mark Philips) had stated that which could not be borne out by facts, no man would be more ready than he should be to retract any assertion made under a wrong impression. Now, as to the difficulty of completing the polling in one day he could only speak from his own experience. He had attended a contest for Lancashire in 1832, when he acted as the representative of a friend of his who stood for the county; and he would not hesitate to say, that the number of votes polled on the second day bore no proportion to those polled on the first day. He could not say what per centage they formed to those of the first day; but this he knew, that they waited for hours without a single vote being tendered. Now it was proposed to have so many polling places, that men in all parts of the county would be easily enabled to vote.

Sir *Eardley Wilmot* happened to have been in Warwick some little time since, and he could take upon himself to say, that from the evidence which he had read, and all that he had been told, he should say that there was not one single word of truth in the report which had been raised, to which the hon. Gentleman alluded.

Mr. *Mark Philips* explained. He begged to assure the House again, that if he had stated that which was not correct he retracted it; but he felt called upon to state, that the clergyman to whom he had alluded, was reported at the time he was down at the election to which he referred to have taken a singularly conspicuous part. That statement remained uncontradicted whilst he was in that part of the country, and he certainly left it under the impression that it was correct. He was glad, however, to hear the refutation given by the hon. Baronet.

Sir *Eardley Wilmot* had not exactly spoken from his own personal knowledge, but he had read the papers, and the conclusion which he had come to was, that the charge was utterly groundless.

Mr. *Arthur Trevor* begged to say, upon his own personal knowledge, that he could give the statement which had been made a flat contradiction.

Mr. *Palmer* (Essex): the right hon.

Gentleman opposite had said, that the effect of this Bill would be to diminish the expenses. Now, he did not thank the Government for their measure, because it would deprive many men of the exercise of their elective franchise; and as to the expense, it would be as great in the one day as it now was in two days.

Colonel *Gore Langton* thought the Bill would disfranchise many freeholders, and he would oppose it.

Mr. *Robert Palmer* would vote against the third reading, because he was convinced that the Bill would increase, instead of diminishing, the expens of elections.

Mr. *Hume* was convinced, that the saving of time would also be a saving of expense. To take all elections in one day would lessen the means and opportunity of obtaining votes corruptly.

Mr. *Baines* adverted to the elections for Yorkshire, one of which, lasting for fifteen days, had cost 250,000*l.*, while the last election, which occupied only two days, had not cost more than 8,000*l.*

The Marquess of *Chandos*, as a county Member, must say, that his strong conviction was, that this Bill would increase the expense of all county elections.

Mr. *Vernon Smith* contended, that the Bill would be of the greatest possible advantage in agricultural districts, by affording an additional number of polling places, where the freeholders might vote without going to a distance: he illustrated this point by reference to Northamptonshire, where, in default of large towns, polling places would be established in small ones. He did not think that the hon. Baronet (Sir C. Knightley) was at all warranted in what he had said about brickbats and bludgeons, when it was a fact that one of the leaders of a party in favour of the hon. Baronet had carried a double barrelled pistol.

Mr. *Praed* thought, that the increased expense would be occasioned, not so much by the number of polling places, as by the fact that the election would be limited to one day.

Mr. *Shaw Lefevre* was of opinion that, the increase of the number of polling places would lessen the expense of elections.

Mr. *Harvey* said, that it appeared to him that electors exercised the privilege of the elective franchise in such a manner as would lead one to suppose that they were conferring an obligation on the object of their choice, rather than impose upon him a heavy responsibility. Farmers found no difficulty whatever in attending races, and such places of public amusement. Why then should their convenience be so scrupulously attended to, when they were called on to go some distance to the place of polling, in order to exercise so important a right as the choice of representatives? He thought that such a number of polling places would destroy that salutary energy and excitement which should prevail on such an occasion as that of an election. The noble Marquess (Chandos) had said that confining the duration of the election to one day would have the effect of disfranchising freeholders who resided at a distance. Even though they were, he did not see that any disadvantage would arise from the circumstance, because he thought that one vote was sufficient for any elector. Besides, limiting the time of polling to one day would have the effect of compelling those who might be fairly termed political trimmers, and who at present always found some excuse for deferring their vote until the last day of the election, to vote at once for a candidate. Thus, by the proposed alteration, expense would be saved and voters made honest.

Mr. *Goulburn* thought, that the hon. Member for Southwark was the only one of those who intended voting for this proposition who would take that course consistently, for the hon. Member plainly avowed that the elective franchise being a duty, and not a pastime, the performance of it ought to be attended with some inconvenience to the elector.

The House then divided—Ayes 93; Noes 44;—Majority 49.

List of the AYES.

Aglionby, H. A.
Angerstein, J.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Baring, F. T.
Barnard, E. G.
Bernal, R.
Bewes, T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Burrell, Sir C.
Burton, H.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Codrington, Admiral
Donkin, Sir R.
Evans, G.
Fergusson, Sir R.
Ferguson, R.
Fitzgibbon, hon. R.
Folkes, Sir W.
Gordon, R.

Goring, H. D.
Grey, Sir G.
Grote, G.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hay, Sir A. L.
Howard, P. H.
Hume, J.
Hutt, W.
Labouchere, rt. hn. H.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord A.
Lushington, Dr.
Lushington, C.
Lynch, A. H.
M'Namara, Major
M'Taggart, J.
Maule, hon. F.
Methuen, P.
Moreton, hon. A. H.
Morpeth, Viscount
Murray, rt. hon. J. A.
North, F.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Paget, F.
Palmerston, Lord
Parker, J.
Parrott, J.
Philips, M.
Ponsonby, hon. W.
Potter, R.
Pryme, G.
Rice, rt. hon. T. S.
Robarts, A. W.
Robinson, G. R.
Russell, Lord J.
Ruthven, E.
Seale, Colonel
Seymour, Lord
Smith, R. V.
Strickland, Sir G.
Stuart, V.
Thomson, rt. hn. C. P.
Thomas, Colonel
Thorneley, T.
Townley, R. G.
Tracey, C. H.
Troubridge, Sir T.
Tynte, C. J. K.
Villiers, C. P.
Wallace, R.
Warburton, H.
Ward, H. G.
Whalley, Sir S.
Wilbraham, G.
Wilks, J.
Williams, W.
Wilmot, Sir J. E.
Young, G. F.

TELLERS.

Dalmeny, Lord
Stanley, E. J.

List of the NOES.

Agnew, Sir A.
Alsager, Captain
Arbuthnot, hon. H.
Brring, F.
Bonham, R. F.
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Chandos, Marquis of
Charlton, E. L.
Chisholm, A. W.
Corbett, T. G.
Darlington, Earl of
East, J. B.
Eaton, R. J.
Forster, C. S.
Freshfield, J. W.
Gladstone, W. E.
Gordon, hon. W.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grimston, Lord
Hale, R. B.
Halford, H.
Hamilton, G. A.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Jones, T.
Knightley, Sir C.
Langton, W. G.
Lawson, A.
Lincoln, Earl of
Lygon, hon. Colonel
Palmer, R.
Palmer, G.
Parker, M.
Perceval, colonel
Praed, W. M.
Price, S. G.
Price, R.
Pringle, A.
Reid, Sir J. R.
Ross, C.
Sandon, Lord
Scarlett, hon. R.
Shaw, rt. hon. F.
Sibthorp, Colonel
Somerset, Lord G.
Stormont, Viscount
Trevor, hon. A.
Trevor, hon. G. R.
Vere, Sir C. B.
Williams, R.
Yorke, E. T.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

Mr. *Forster* then proposed the following clause:—"And whereas it is expedient, that in the elections of knights to serve for any counties, ridings, parts or divisions of counties, which may be contiguous, the polls shall not take place on the same day; be it therefore enacted, that it shall be lawful at any general election for the Lord High Chancellor or Lord Keeper of the Great Seal, for the time being, to ascertain and define the several days on which elections in contiguous counties, ridings, parts or divisions of counties, may be conveniently held, and at the time of making out the writs to direct letters to be sent to the sheriffs or returning officers for the respective counties, ridings, parts or divisions of counties, requiring them to fix the days of polling as he shall appoint, in order that no poll be taken for any county, riding, part or division of a county, on the same day, with any contiguous county, riding, part or division of a county: and the said sheriffs or returning officers are hereby required to fix the days of polling accordingly, any law or statute to the contrary notwithstanding."

Lord *J. Russell* thought the discretion was properly placed in the high sheriffs. If it were placed in the Lord Chancellor, as proposed, he could not help believing that imputations would frequently be cast upon that functionary of fixing a particular day to answer political purposes. He must therefore oppose the clause.

Clause withdrawn.

Bill read a third time and passed.

CHARITABLE TRUSTEES BILL.] Mr. *Vernon Smith* moved the third reading of this Bill.

Colonel *Sibthorp* moved, as an amendment, that the Bill be read a third time that day six months.

Mr. *Arthur Trevor* seconded the amendment, from the conviction that it was only introduced to assist party purposes, and would inevitably tend to injure the interest of the Established Church.

Mr. *Hardy* concurred in the amendment. He did not think there was any one sect in the country which would bear being treated as the Established Church had been treated in the instance of this Bill. He hoped the Bill would not pass in its present state.

Mr. *Anderson Pelham* was convinced

that no danger was to be apprehended to the Church from the Bill.

Mr. *Scarlett* contended that the Bill would not carry into effect its avowed intentions, but that it would put the whole of the charities into the hands of ministerial partisans, who would apply them to political purposes.

Sir *R. Inglis* certainly thought, that the interests of the Church would be compromised by the Bill.

Colonel *Sibthorp* felt, that he should not do his duty to the Established Church if he did not press his amendment to a division.

The House divided on the amendment, Ayes 12: Noes 54—Majority 42.

Bill read a third time and passed.

STANNARY COURTS.] On the motion for taking into further consideration the report of the Stannary Courts Bill.

Sir *J. Y. Buller* declared himself opposed to many of the details of the measure.

The *Solicitor-General* stated the objects of the Bill, one of the principles of which was, to make the vice-warden an effective judge both in the equity and common law courts of Cornwall. The expense would not be great, and the mode of defraying it was satisfactorily arranged by the provisions of the measure.

Mr. *Vivian* bore testimony to the fact that the Bill had no party or political purpose; the principle of it had been discussed and agreed to at several county meetings.

Bill re-committed, and various amendments made.

On clause 44, transferring the rights and jurisdiction of the Old Stannary Court to the New Court being put,

Mr. *Praed* opposed the Clause.

The Committee divided—Ayes 79: Noes 29;—Majority 50, Clause agreed to.

The other Clauses and schedules were agreed to.

REGISTRATION OF VOTERS.] Lord *John Russell* said, that he had intended to move the further consideration of the report on this Bill to-night, in order to introduce some amendments, which he was about to propose to the House; but not being so entirely prepared to do so as he could have wished, he thought it better at once to postpone the further proceeding with the Bill until Monday. At the same time, however, he wished to state the conclusion to which he had come on a proposition which had been made from the other side of the House, on the subject of the appointment of Revising Barristers. The mode proposed by the Bill—that of vesting the appointment of these officers in the Crown—had been much objected to; and it had been suggested to him to propose some other method. With that view he had considered the question, and it seemed to him that it might be possible to concede to the proposition which had been made, by naming one chief and a certain number of other Revising Barristers in the present Bill, and vesting the appointment of them hereafter in the Lord Chancellor. The number of Revising Barristers at first proposed had been eight, but he now proposed that there should be eleven, including the chief, inasmuch as it had been considered that eight would not be sufficient for the performance of the duties, and that the public business might be therefore impeded, to the serious loss of bodies of constituents. With respect to the Chief Revising Barrister, he would propose the right hon. Sir Thos. Erskine, Chief Judge of the Court of Review, for that office; and notwithstanding the great difficulty there was in finding individuals sufficiently qualified who would be ready to leave their professional practice and prospects for the situation, he did hope that on Monday he would be enabled to propose the individuals to fill the other ten situations. The House would, however, be able to consider whether the general proposition he now made would be calculated to remove the objections which had been raised to the plan proposed by the Bill.

Lord *Granville Somerset*, having before expressed a strong opinion against the appointment of the revising barrister by the Secretary of State, felt bound now to express his concurrence in the mode of appointment proposed by the noble Lord. He still thought, however, that the number of barristers named by the noble Lord would be quite inadequate to the discharge of the very heavy duties which would be imposed on them. He felt quite sure that if the noble Lord would look at the mass of business which had been done by the revising barristers on former occasions he would see the necessity of enlarging his plan as far as regarded the number of barristers to be appointed.

Mr. *W. Praed* said, that, although he might not entirely agree in the plan of the noble Lord, yet, as the point had been conceded, he did not wish to offer any unnecessary opposition. He hoped that the appointments to the ten revising-barristerships would be as satisfactory as that which had been mentioned for the chief. Further consideration of the Report postponed.

COMMISSIONERS OF THE POST-OFFICE.] Mr. *Vernon Smith* moved the order of the day for the House to resolve itself into Committee on the Post-Office Commissioners Bill.

On the 1st Clause being put,

The *Chancellor of the Exchequer* said, that he should endeavour to comprehend the two questions which arose out of this Bill in the observations which he meant to make, namely, to defend the proposed alteration which placed the administration of the Post-office in the hands of Commissioners; and next, to state the reasons why he conceived one member of the commission should also be a Member of the House of Commons. Now, as to the first branch of the subject, which referred to the administration of the Post-office, he relied on authority for a justification of the change which was proposed; because, whoever read the Report of the Post-office Commissioners would see, that whenever the department of the Post-office was brought under the consideration of a tribunal appointed to inquire how it might hereafter be managed, the result (no matter what was the constitution of that tribunal, whether Whig or Tory) which had been arrived at on all occasions was, that the present system of administering the Post-office was objectionable and indefensible. Hon. Gentlemen opposite seemed to consider, that the present measure was a discovery first made in the year 1836, and that the object of it was to add to the political influence of the present Administration. But it was a well-known fact, that whoever were appointed to consider this subject, however they differed on other questions, and however remote the period at which the inquiry was instituted, came all of them to the conclusion, that a change was required in this department. But the case did not stand simply on authority; it was supported also by common sense and reason. The result of the present system had been, to show that those individuals who had been appointed Postmasters-General, however endowed with abilities, could not (to use a phrase applied to represent the difficulties attending their office), if they were angels instead of men, properly perform the duties committed to their care. The consequence was, that the administration was placed in subordinate hands, which, though they were ever so able, were yet under no due responsibility for the discharge of such important functions. He should now proceed to show, in a very few words, why it was expedient that one of the Commissioners should be connected with Parliament. In the first place, the head of the department was now connected with Parliament, but he was a Member of the House of Lords, and not of the House of Commons. The department, then, was at present represented, not in the House of Commons, but in the House of Lords. Now he should like to ask in which of the two Houses of Parliament ought it to be represented? If explanations were to be given of its measures, and attacks on them to be defended, where were these explanations more likely to be called for, and these defences to be required—in the House of Lords or the House of Commons? He decidedly maintained in the House of Commons. It was a mistake to suppose, that they were for the first time connecting this department with Parliament: they were only anxious to attach that responsibility to it which was due from every great officer of the state to that House, and in which it might be most actively called into operation. But it might be said, why connect it with Parliament at all? For this reason, that there was a wide distinction between this department and the ordinary departments of revenue. The officers of customs, excise, and stamps, were purely revenue departments, the object of which was, to collect as large an amount of revenue as they could under the law, for the purpose of having it transferred to the Exchequer. But was this the case with the Post-Office? Undoubtedly it was a department of revenue; but it was also a most important and responsible department of administration; and intimately connected as it was with our trade, commerce, and social intercourse, ought, in his opinion, to have a responsible representative in the House.

Colonel *Sibthorp* opposed the motion.

If the Government wished to introduce an ameliorated system, they should be called on to do so, without prejudice to other interests, else they were liable to all the censure that dereliction of duty called for. He was of opinion, that the appointment of Commissioners would not serve the object looked to.

Mr. *Labouchere* was surprised to hear it insinuated, that the House was taken by surprise upon this occasion, when it was perfectly well known, by the Report on their table, that the Committee to which this subject had been referred, had reported, after mature and cautious consideration, that it was expedient for the interests of the Post-office, and still more so for the interests of the public, that some person at the head of a governing board like this, should be in the House of Commons. It should also be recollected, it was now become more necessary than ever it had been previously, that the duties of this department of the Government should be performed efficiently, and under a stricter system of responsibility, in consequence of the pending improvement in the several branches of this important department, and the great beneficial changes which were either actually made, or in contemplation, with respect to our foreign correspondence, and our future mode of intercourse with the other nations of the globe.

Mr. *Goulburn* said, even if it were necessary to have a Board, still it was not desirable to have one of the members of it in that House. He never understood that Lord Wallace recommended that any member of the commission should be a Member of that House. If there were changes in the office of Postmaster-General, it was the result of the changes of Government. If the Government changed, so did the Postmaster-General. But though a change in name was proposed by the Bill, yet the control was given to the chief Commissioner. Where, then, would be the advantage? It might not be fashionable to revert to the old practice of the Constitution; yet he would do so, and say that the spirit of the Constitution excluded all officers who had the management of money from that House. If this precedent were established, they would have all the chief officers of the revenue departments in that House. The right hon. Gentleman concluded by entering his protest against the introduction of a Commissioner of the Post-office into the House of Commons, as an infringement on the first elements of the Constitution. Any proposition for making such an innovation should have been founded on former rules and precedents. But it was not so. He objected to the proposition as a gross violation of those principles laid down at the Revolution, and a departure from which would lead to the most dangerous consequences. He admitted that the Report of the Commissioners was of so high a character, that he knew of nothing that had appeared before Parliament of a similar kind during late years; but, at the same time, he could not adopt all its recommendations.

Lord *Lowther* supported the Bill, and denied that admitting public Commissioners to be Members of Parliament was contrary to law, or without precedent, even of recent date.

Mr. *Francis Baring* said, as to the objection urged by the right. hon. Member for Cambridge (Mr. Goulburn) to the sitting of one of the Post-office Commissioners in that House; if his (Mr. Baring's) memory served him, there were, in not very remote times, four postmasters, two for England, and two for Ireland—every one of whom might have sat in that House. The objection urged by the right hon. Gentleman might have held good some hundred years ago. But now, considering the great changes in the Government—considering also the much greater check and control which now existed over the Representatives of the people in that House, in his (Mr. Baring's) opinion, there was not to be apprehended such great danger from the placing an additional revenue officer in the House of Commons, as the right hon. Gentleman seemed to anticipate. The right hon. Gentleman had argued upon this question,—whether or not, the business of the Post-office would be better conducted on the plan recommended by the Government, one of the Commissioners having a seat in that House, than by a permanent board. That question he (Mr. B.) admitted might fairly be open to considerable doubt. But certainly he had reached this conclusion—that though undoubtedly, as the right hon. Gentleman had pointed out, there might be some advantages attached to the permanent board; those advantages were counterbalanced by equal or superior disadvantages. On the one hand, he allowed there might be expected in the members of a permanent board, more thorough acquaintance with the details of business, and the arrangements of the office; on the other hand, there was to be apprehended, if he might use such an expression, (without reference let him add to particular parties) a strong departmental feeling, a feeling that they were relieved from responsibility, and that they were only the independent officers of the Crown. But the plan, as proposed by the Government, combined the advantages of both arrangements, without, in his opinion, retaining the more striking disadvantages of either. The two permanent Commissioners would be possessed of that experience and practical knowledge which was necessary for the well-administration of so important a public office; while, on the other hand, by having one of the Commissioners in the House of Commons, a greater degree of responsibility would be secured in the management of the Post-office than had ever yet been attained. On these grounds he hoped the House would support the Bill as it now stood.

Mr. *George F. Young* said, he agreed with the noble Lord (Lowther) that the plan of the Government was generally likely to work an advantageous alteration in the administration of one of the most important public offices, by establishing a board for its future management more permanent in its character than the present office of Post-master General, and in his opinion calculated to prove more efficient in its operation: with reference however, to the chief Commissioner having a seat in that House, he confessed he entertained great doubts as to the expediency of that part of the proposed plan. It did appear to him that some danger was to be apprehended of incurring, by such a measure those very evils which it was the main object of this Bill to get rid of. He (Mr. Young) could not help fearing that the chief Commissioner being thus to a certain degree necessarily rendered a political character, being liable to the loss of his seat, and the consequent vacation of his office almost upon every change of Government, and being consequently much less acquainted with the business and internal arrangements of the Office, would inevitably become, in all matters relating to the practical administration of the Post-office entirely subordinate to the two assistant Commissioners; thus those advantages which were anticipated from this plan would be rendered nugatory and especially that every practical irresponsibility would remain which was so much complained of in the existing system.

Mr. *Wallace* only rose to say, that although he had before expressed very strongly his dissent from that part of the Bill which related to the Chief Commissioner having a seat in that House, he had received so many communications, and heard so many opinions, from persons more competent than he was to judge of the matter, all in favour of that arrangement, that he would not press that objection further, but if it went to a division he would certainly vote for the Government plan.

Viscount *Sandon* said, he did not consider the objections which had been urged to that part of the Bill which allowed the chief Commissioner to be a Member of that House had been met by any speaker. He could not help thinking that all the evils complained of, in regard to the present constitution of the office of Post-master General would equally attach to that of the chief Commissioner, as established by this Bill. It had not in his opinion been shown, that by giving the chief Commissioner a seat in this House there would be more control exercised by this House over the general arrangements of the Post-office than there was at present. There was already an officer in that House, not he believed overwhelmed with business, the very nature of whose office closely connected as it was with the trade and commerce of the country, pointed him out as not an unfit person to answer questions relating to the Post-office, if responsibility to that House was essential to the just managemement of that department. He alluded, the House would readily imagine, to the right honorable Gentleman the President of the Board of Trade: he thought also that the plan recommended by the Government would render the office of chief Commissioner a kind of stepping stone for young men desirous of advancement in the public service who would remain in it only so long as they were enabled to gain higher distinction, and who would, therefore, be quite unfit to discharge the duties attached to so important a situation. On the whole he should feel it his duty to oppose this clause.

Mr. *Poulett Thomson* observed, in reply to one of the remarks of the noble Lord, the Member for Liverpool, that he, for one, should be very unwilling to undertake, as President of the Board of Trade, the responsibility of an office over which he had no control whatever. Such an arrangement as the noble Lord had recommended would be irksome and unfair to the Gentleman who happened to fill the office he had the honour to occupy, and unsatisfactory to the public at large. The noble Lord had stated, that, in his opinion, there would be no great difference between the administration of the Post-office as it now existed, and the administration of it under the system to be established by this Bill. He (Mr. P. Thomson) would tell the noble Lord where the difference in his opinion lay. Instead of having at the head of this important branch of the national service a nobleman, generally with no great experience in business, the business of the office being consequently conducted by the Secretary,—an irresponsible officer, at all events irresponsible to the public:—instead of this, there would be at the head of that office, three persons all of whom would be responsible (are directly responsible, through seats in that House) to the public. Was there no difference between the administration of an office being conducted by practically entirely irresponsible persons, and its being conducted by a board, which would, through its head, be liable to be called to account in that House for every measure they might take? As to the objection of the noble Lord, of this office of chief Commissioner becoming a mere stepping stone to higher stations, any one acquainted with the nature of the business transacted there, and the duties required of persons at its head, would see at once that there was no likelihood of its ever being considered in that light. On the whole, he (Mr. P. Thomson) believed that the plan contained in this Bill would combine (as his hon. Friend the Secretary to the Treasury had said) the advantage of practical knowledge and experience with the advantage of responsibility to the public, and he hoped the House would adopt it.

The Clause was agreed to, the blank, having (on the motion of Mr. P. Thomson) been filled up with the word "three."

On Clause 5,

Colonel *Sibthorp* said, I must divide against this clause.

The Committee divided. Ayes 60; Noes 13:—Majority 47

The other Clauses were agreed to.

The House resumed.

HOUSE OF LORDS,

Monday, August 1, 1836.

MINUTES.] Bills. Read a third time:—Lighthouses; Richmond Penitentiary (Ireland); Ottoman Dominions Consuls.—Read a second time:—Stamp Duties on Newspapers.

Petitions presented. By the Duke of WELLINGTON, from Saxmundham, for the Protection of the Protestant Religion, and together with Lord LYNDHURST, from various Places, against Imprisonment for Debt Bill; and from Shiffnal and the adjoining Parishes, against Marriages' Bill.—By the Duke of Richmond, from Meath, for the Protection of the Established Church (Ireland); and from Portsmouth, for Oyster Fisheries' Bill.—By Lord WYNFORD, from Blaxhall, and from St. Helen's, Isle of Wight, for Repeal and Amendment of Poor-Law Amendment Act; and from the last named Place, against the uniting of Parishes.—By the Marquess of BUTE, from Glenelg, against Universities' (Scotland) Bill.—By Lord DUNCANNON, from Kingston-upon-Thames, for Marriages and Registration of Births' Bills, and for Abolition of Church Rates.—By the Earl of CALEDON, from the Members of the Grand Panel, Armagh, against Grand Juries (Ireland) Bill.

PAROCHIAL ASSESSMENTS.] The Duke of Richmond moved the third reading of the Parochial Rates Bill.

The Earl of *Liverpool* wished the noble Duke would not press the measure through its final stage this evening, because he was desirous of moving another clause to the Bill.

The Duke of *Richmond* said, that he would not.

Lord *Hatherton* thought, that the Bill would prove beneficial to the country, as it would equalise the county rates, and make every parish pay in a just proportion.

The Earl of *Liverpool* would only say, that he considered the Bill unnecessary.

Lord *Dacre* said, that he thought the proviso at the end of the first clause in the Bill ought to be omitted, and he accordingly moved it be expunged.

The Duke of *Richmond* defended the Bill, and said he believed there was no ground for the apprehension which some noble Lords appeared to entertain.

Bill read a third time, but further proceedings on the measure were adjourned.

RAILROADS (IRELAND)]. The Order of the Day was read on the notice given by the Marquess of *Lansdowne,* "To move an Address to his Majesty to appoint proper persons to inquire and report upon the most advantageous lines of railways in Ireland." The noble Marquess then said, he was about to propose to their Lordships a brief statement upon which he founded his motion, which was, that competent persons should be appointed to report generally what were the principal lines with respect to the carrying on of railroads in Ireland, as to the greatest facility of execution. This was the first object of the motion; and the second was, that after such report had been made by the competent parties so appointed to investigate, that his Majesty should be authorised to direct the Board of Works in that country to make a general survey of those railways, so that this would give an additional security as to the facility of execution. It would have been very desirable if such a step had been taken with respect to England; inasmuch as it would have spared much expense to parties and much time to both branches of the Legislature, as well as much imperfect legislation. It was, perhaps, too late to apply any such investigation as regarded England. Having said this, he would add he was ready to admit that the utility of such an inquiry was much less, as far as England was concerned, than it would be in Ireland. In England railroads were chiefly taken up in their original form in commercial towns, among great manufacturing interests, and where there were large masses of population. Those lines were carried from one large town to another, and other lines branched from them to neighbouring towns of less importance, through the districts in which the longer or continuous lines ran. These partial or local communications had also their great advantages. But in Ireland matters were quite different; for such interests did not exist to the same extent, and the virgin soil was still untouched by any great line of railroad. He was, therefore, clearly of opinion that such a motion as that which he had the honour of submitting was desirable. But although this aid was afforded, he must protest against its being considered as pledging the Government to any thing further, or inducing persons to engage in any speculations; for although, as he had stated, it would be very useful to have persons well qualified to execute the task of investigating into the best lines of railroads, still individuals themselves living upon the spot, in the exercise of prudence, must have the best means of knowing whether the supply and demand, would render it probable that such undertakings were likely to prove beneficial or otherwise. Before parties took shares in such projects it behoved them to exercise a deliberate judgment. He was anxious to guard himself against being understood as throwing out any expectation whatever of aid on the part of Government, the more especially as in that part of the kingdom, any recommendation having the sanction of the Government, was too often interpreted in a different sense than the one intended, and he begged to be understood as stating, that beyond this, the Government would not go, and the railroad undertakings must depend upon the public assistance. The assistance given by the Government would stop there. All that was proposed was, to give the public the benefit of the investigation of the Commissioners, and Government and Parliament were to remain unpledged. He believed, that the inquiry would be attended with this beneficial effect—it would be the means of preventing the conflicting lines and opposition to others adopted, which had taken place to so large an extent in this country. In that point of view, therefore, a great object would be accomplished. It was unnecessary for him to detain their Lordships any longer on the present occasion, as he apprehended no opposition whatever would be made to the motion. The noble Marquess then concluded with moving, that "A humble Address be presented to his Majesty, praying that his Majesty will be graciously pleased to appoint competent persons to inquire and report upon the practicability of communications in Ireland with reference to the commercial advantages as to the connection of railroads; and, with a view to ascertain the best lines, that his Majesty be graciously pleased to direct the Board of Works to render such assistance as may be necessary, in the survey of such lines."

The Duke of *Leinster* expressed his sincere thanks for the motion of his noble Friend; and he trusted that their Lordships would at once accede to the motion.

Lord *Fitzgerald* believed, that the proposition would be received in Ireland with great satisfaction, and it was to be regretted that a similar investigation had not been adopted in England.

Motion agreed to.

MARRIAGES.] The Report of the Marriages Bill was brought up. Several clauses were adopted with amendments.

On Clause 20,

Viscount *Melbourne* rose for the purpose of moving that certain words introduced in the Committee on this Bill on Thursday last should be omitted, and the clause reinstated in its original form. The words in question were in the declaration proposed to be made by the parties at a marriage, and to the following effect:—"I. N. declare, in the presence of Almighty God and before these witnesses, that I take M. to be my lawful wife, to live with her according to God's holy ordinance; and in the presence of Almighty God and these witnesses, I solemnly promise to be to her a loving and faithful husband, and to keep to her during life." In moving the omission of these words, it was not his wish in any way to infringe upon the sanctity of the marriage contract, and if he thought that the alteration which he proposed would have that effect he would not press it. The ground upon which he opposed the introduction of these words was, that he thought it would be very objectionable, to many parties, to introduce a civil officer into their chapel for the purpose of taking part in the performance of a somewhat religious ceremony.

The House divided on the question that the clause as amended by the Committee, stand part of the Bill.—Contents 29; Not-contents, 72—Majority 43.

Words added in the Committee omitted.

On the 25th Clause,

Lord *Plunkett* proposed an addition, the effect of which would be, that no marriage should be invalidated on account of the omission of any of the forms prescribed by the Act. In proposing such an addition as this, he adopted the words used in the 3d and 4th of George 4th. He should not have ventured to suggest an alteration of this kind, if he had not before doing so consulted the noble and learned Lord on the woolsack and another noble Friend near him. Both were satisfied that his proposition was in accordance with the spirit of the existing law.

Lord *Ellenborough* considered a question of such deep importance ought rather to be made the subject of a separate Bill, than introduced as a rider upon the present Bill.

Lord *Plunkett* remarked, that till now there must either be bans or licence before a marriage was celebrated. This Act introduced a new mode without bans or licence, and that was by certificate—that certificate being guarded by previous circumstances, such as the parties living a certain time in the parish, &c., and they should be married in the presence of a registrar. It would then be monstrous—it would be a trap to innocent persons, if supposing, some of the necessary forms being neglected, the marriage could be defeated. Former acts guarded the issue at the very moment that they punished the parties. A false name might be given by a party, for the purpose of imposing upon an innocent lady. Now, looking to previous provisions, it would be found that when both gave false names, both would be liable to punishment; that though they should forfeit every thing by the marriage, their issue were not to be affected by it. He submitted, that an infinite deal of mischief must follow, if some such provision as that suggested by him were not adopted. What was intended to be got rid of was, the power of declaring marriage null, if a matter of form were not observed.

Lord *Wynford* said, that when forms were got rid of, the substance soon followed. He had not the least objection to provide for the issue not being affected by the irregularity of the parties.

Lord *Ellenborough* must re-assert what he said fourteen years ago, when the marriage law was discussed in that House. What he said was this, that they ought not to allow the nullity of marriage. He said, that religious obligation was so high, that it was impossible to add anything to it; that they could not detract from the importance of the religious contract, and could set up no human law as powerful as the divine; that it was terrible to call upon parties, in obedience to human laws, to separate, when the laws of God directed them to continue united. Their Lordships then acceded to what he proposed upon this subject. He recollected the late Lord Liverpool, who exclaimed, when alluding to marriages,—"I think, as to the parties who have done wrong, you may hang them if you please, but the marriage shall remain good." He confessed, that on principle he did not dissent from the noble Lord; but he did not consider that the public were as yet prepared for such a fundamental change as the proposed alteration in the Act.

Lord *Holland* considered, that if they did not agree to the amendment now suggested by his noble and learned Friend, the consequence would be the declaration of nullity of several marriages, on the ground of particular forms prescribed by this Act not being attended to. The nullity of these marriages would create scenes of misery in private families, which it would be impossible to describe. Let them recollect the situation in which such families would be placed; and let them recollect, too, the situation in which they would place

Parliament. If they now passed that Act, without some such clause as his noble Friend proposed, if they sanctioned the nullity of marriages, they would in a year or two have to retrace their steps, and declare those persons to be married (whose marriages had been nullified), thus altering the succession to property, and depriving others of their fair rights under the laws of the country. It had been said, and truly said, of all matters of this kind, that laws affecting the nullity of marriages were all laws against religion, virtue, and nature. As he understood the Bill, as it now stood, there could be no question that a neglect of any of the forms would effect a nullity of the marriage. He agreed in thinking, that the punishment could not be too severe upon those who wilfully and knowingly evaded the law, but let not the punishment descend upon their children. If they did not do this, the consequence might be, that a hundred years hence a man would not know what property was his, because an ancestor of his had neglected some miserable form prescribed by this Act. Such a power as that of declaring marriage null on trivial grounds was against the divine law, canon law, and common law, of this country, and the law of Europe. Consent was the only thing, that was the essence of marriage, all the rest was superstructive; they ought, then, to take care that the nullity of marriage was not to extend beyond the parents.

Lord *Plunkett* observed, this law created a specific evil, and their ought to be a cure for that evil. If, however, he found the sense of the House was against him, he should not press the amendment.

Lord *Lyndhurst* suggested to his noble and learned Friend, to have his amendments printed, and propose them on the third reading. The particular forms that he sought to have dispensed with ought to be specified.

Lord *Plunkett* would accede to the suggestion of the noble and learned Lord.

The *Lord Chancellor* had imagined that the chief difficulty his noble and learned Friend would have to contend with would be, that, in enumerating the forms, he did not omit any, because the effect might be to invalidate marriages by the omission, which the circumstances of themselves ought not to invalidate. He admitted, however, that it was desirable to determine if possible, what should be considered matters of form, and what otherwise.

Clause postponed.

Lord *Ellenborough* suggested the propriety of striking out the 36th Clause. He thought it very hard to call on a lady to state her age, and if she did not state it correctly to subject her to the penalty of perjury. He had heard of some ladies being so averse to telling their age, that, when applying for Government Annuities, they had persisted in declaring themselves younger than they really were, though they knew that the consequence of their doing so was, that they must pay more.

The Bishop of *Hereford* said, that the only object of the clause was to ascertain whether the party was twenty-one years of age. The purpose would be answered sufficiently if that fact was established, without knowing the precise age.

The words were struck out.

REGISTRATION OF BIRTHS, &c.] The Order of the Day having been moved for the third reading of the Registration of Births, Deaths, and Marriages Bill,

Lord *Wynford* said, he had to regret having been absent on former occasions when this Bill had been under discussion, and entertaining a serious objection to the principle of the Bill, he could not allow the third reading to pass without troubling their Lordships with a few words, particularly when the true reason for passing the Bill was not stated. The intention of the Bill was, to give the Dissenters a more efficient mode of registration than they at present possessed. To that he had not the least objection; but he did object that the members of the Church of England should have the law altered, and be liable to a considerable increased expense, when they were in possession of a much better mode of registration than that which was proposed to be afforded them by the present Bill. He well recollected what the system of registration was when it was made by the parish clerks, and not by the clergymen. It had been most inaccurate at that period, and would be just as inaccurate under the present Bill. Did their Lordships consider that this system of registration would be better effected by the district registers than it had been by the parish clerks? He was satisfied that it would not. Again, he thought pedigrees might be much better traced under the existing law, than it would be by the present Bill; and as regarded the registers themselves, he considered the place for their deposit would be much better in the Diocesan Courts than in the Central Court in London.

Whatever satisfaction the Bill might give to different descriptions of persons, of this he was sure, as regarded the farmers and the agricultural population and others of the Church of England, it would not be so satisfactory to them as the existing law. He was aware the sense of the House was against him on this occasion, and therefore he should only say Not-content to the third reading of the Bill.

Bill read a third time.

Established Church.] On the motion of Viscount Melbourne, the House went again into Committee on the Church of England Bill. On the question that the preamble be postponed,

The Earl of *Ripon* said, he thought it would be convenient, inasmuch as the points in the preamble contained the principle of the Bill, if he troubled their Lordships with a few words. He was sorry to be under the necessity of doing so, and very much regretted to have to say any thing which should appear as expressing any doubt at all as to the recommendations of the Commissioners. He approved of the appointment of that Commission—he approved of its constitution, of the general recommendations which it laid before the Crown, and upon which their Lordships were now called upon to legislate. There was, however, one point upon which he was anxious to say a few words, and with respect to which, although he was not prepared to suggest any alteration, he thought was one which was well worthy of consideration. The point to which he referred was with regard to the abolition of the ancient bishopric of Sodor and Man, and uniting it with the see of Carlisle. The bishopric of Sodor and Man had existed for 1,400 years, and the see had been filled by individuals distinguished for their great talents, learning, and piety during the time they so held the see. Now the situation of the bishopric of Sodor and Man was one of a very peculiar character, and in many respects different from the situation of the Bishops of this country. The Bishop of Sodor and Man was *ex officio* a member of the executive governing body in the Isle of Man. He was also *ex officio* principal trustee of every charitable institution which exists in that island; and whatever differences of opinion might have occasionally arisen on other matters in the Isle of Man, he believed it was a matter of fact that the general feeling of the 50,000 inhabitants of that island was strongly against the abolition of this bishopric and uniting it with that of Carlisle. He was somewhat at a loss to understand why this change should take place. He hardly thought it could be on the ground of convenience to the Bishop of Carlisle, who would have to cross the seas to perform his duties. He confessed he had very little personal knowledge of that part of the country, but their Lordships would observe that the union of the see of Sodor and Man with that of Carlisle was not necessary for a more convenient arrangement for that see, because it was proposed that the Bishopric of Carlisle should receive certain additions from Chester and York; therefore the union of Sodor and Man with Carlisle was totally unnecessary for the execution of the general principle on which the re-distribution of the English bishoprics was founded. He must say, that he thought it a hard thing on the feelings of the people of the Isle of Man that they should be deprived of the advantage of a resident and well-educated respectable gentleman to fill the office of a Bishop in that place. He thought it therefore would be well that their Lordships should take this subject into their serious consideration.

The Bishop of *Rochester* having had the honour and pleasure of filling the see of Sodor and Man for fourteen years, was afraid that their Lordships might suppose he gave a prejudiced opinion on this subject, but he could assure their Lordships, from his own personal knowledge, that the feelings of the inhabitants of the Isle of Man corresponded with those which had been expressed by the noble Earl. He did not see that any advantage would be derived on this side of the water from the union of the see with that of Carlisle, and while he should be very averse to impugning the decision to which the Commissioners had come, he, at the same time, should be glad if this see could be retained.

The Archbishop of *Canterbury* said, that in recommending the union of the see of Sodor and Man with that of Carlisle, the Commissioners had but one object in view—namely, the equalisation of the territories of the Bishops as much as possible, and that no Bishop should be left without a suitable number of parishes subject to his jurisdiction. It would not, therefore, have been conformable to the rule laid down, and embodied in this Bill, to leave the Bishopric of Sodor and Man with only eighteen parishes, a small number compared to the other dioceses.

Lord *Lyndhurst* was prepared to pay the utmost possible deference to the opinions of the members of the Commission and to the report they had made; but he agreed with his noble Friend, that the Bishopric of Sodor and Man was not analogous to the different sees of this kingdom. The Isle of Man enjoyed a species of separate jurisdiction; it consisted of eighteen parishes; it had a separate legislature, and therefore their Bishop ought not to be taken away in consequence of what took place in the rest of the kingdom. It must be recollected, that the Isle of Man enjoyed the advantage of very few resident gentry, except the Bishop; and his residence there was, in point of fact, a matter of great and extreme importance. It must also be recollected that a portion of the revenues of the see arose from tithes collected in the island, amounting annually, as he was informed, to 1,000*l.* a-year; while the island possessed a separate legislature and council, and the Bishop was an important and efficient member of that council. Again, their Lordships must be aware there was another important point for consideration. There were various charitable trusts of great importance, and the Bishop was an efficient administrator of those trusts, which were under his superintendence, direction, and control; and on this account the more particularly he pressed the subject on their Lordships' attention. He was sorry to do so contrary to the opinion of the most reverend Prelate and of the Commissioners; but he begged to suggest whether it would not be proper to take a little time for consideration on a matter of so much importance.

Viscount *Melbourne* had no knowledge of that part of the country, but he must say, that the matter was very fully considered by the Commissioners; and if he might refer to what took place in that Commission, he would say that no dissent was expressed to the recommendation for the uniting the see of Sodor and Man with that of Carlisle. The ground on which that was proposed had been correctly stated by the most reverend Prelate—namely, that the jurisdiction was too insignificant, the number of parishes were too few, and the amount of population too small, to justify the continuance of the establishment of a bishop in the Isle of Man. With regard to the revenues of the see being derived from the island, it was understood, when the subject was under discussion, that they were to go to the augmentation of the different benefices of the island, and therefore they would be as advantageously distributed as at present. With regard to the observation of the noble and learned Lord, that the Bishop was a member of the council, he must be permitted to say, that he thought the constitution of the island would go on and be as well regulated, without the Bishop being a member of that body, as if he still continued to belong to it. With respect to the charitable trusts also, he had no doubt, that there would be found in the island a respectable clergy to enforce their due administration. He could not take upon himself to say what the feelings of the inhabitants of the island were on this subject; at the same time he would submit to their Lordships, that the recommendation in question had been proposed by the Commissioners, and had been adopted in this Bill; and it was a fact, that was somewhat remarkable, that if so strong a feeling existed on the subject, that no petition had been presented against the proposed alteration. He did not think the antiquity of the bishopric, or any of the other considerations which had been adverted to, ought to have the effect of inducing their Lordships not to carry the recommendations of the Commissioners into effect, in the manner proposed by this Bill.

The Earl of *Ripon* observed, that his noble Friend had assigned one reason for opposing the proposition — namely, that there had been an absence of petitions. Now he (Lord Ripon) must consider himself in some degree responsible for that. His advice was, that a representation should be made to the Commissioners requesting them to take the subject into their consideration. His noble Friend also said, that the application of the revenues of the bishopric were not to go to the augmentation of the see of Carlisle, but to increase the livings of the poorer clergy of the island; poor they certainly were, for they did not enjoy anything like a decent maintenance. But there was no necessity to abolish the see for that purpose; he could suggest a fund from which the payments to effect this object might have been derived, for it did so happen, that the Crown was in possession of a certain amount of tithe in the Isle of Man, and if his Majesty should be graciously pleased to permit, then these tithes might be appropriated to the increase of these small livings. That course had been followed by Queen Anne, and although this might not be proper as a universal principle, still he thought it applicable in the present instance.

Lord *Lyndhurst* believed, that a petition had been presented to the Commissioners—at any rate all proper representations were made to the Commissioners, and he thought they must have escaped the eye of his noble Friend.

Lord *Holland* thought, that the observations made in favour of the proposition of the noble Earl were so many arguments in favour of the Bill. His noble Friend must take the consequence of the advice he had given to these parties. He had no right to take advantage of both sides of the question. He should not have advised them not to send up their petitions to the House of Lords and House of Commons, where they might have had the subject fairly discussed and agitated, and then after that turn round and say a great feeling existed on the subject.

The Bishop of *Lincoln* said, the noble and learned Lord had spoken of a petition as having been presented to the Commissioners from the Isle of Man. True it was that a petition had been so presented, but it was not a petition against the abolition of the bishopric, but for the augmentation of small livings.

The Bishop of *Exeter* asked, whether their Lordships were to legislate solely upon what took place before the Commissioners. He would contend that a worse arrangement than that of uniting the see of Carlisle with Sodor and Man could not be suggested, as far as regarded the diocesan of Carlisle; for he would have to make one or two voyages annually to the Isle of Man. He believed also that the people of the island would not be benefited, because they would not only be without their principal resident, but without their Bishop, and the see of Carlisle would be deprived of the presence of their diocesan, in these necessary absences to the Isle of Man. He could speak practically of the inconvenience arising from this divided description of jurisdiction. The Scilly Islands were within the diocese of Exeter, and he must go there during the present summer at the greatest possible inconvenience, or else delay his visit, which would be very unsatisfactory to him, until another year. He was decidedly in favour of the proposition submitted by his noble Friend, and he trusted it was one to which their Lordships would agree.

The Marquess of *Lansdowne* defended the recommendations of the Commissioners and said their great object had been, and in his view of the subject it was a most desirable one, to equalize the income of the Bishop, by taking from the higher dignitaries of the Church, and adding the amount to the smaller-paid bishoprics, and giving them all a corresponding number of parishes to superintend. From the facilities of communication which now existed between the Isle of Man and this country, the Bishop of Carlisle could, with perfect convenience and efficiency, exercise the superintendence which was proposed to be confided to him. The noble Earl opposite had given the best reason in the world for the expediency of this measure, because he had said that a great portion of the clergy in the island were in a state of distress, and therefore there could be no better mode of employing the revenues of the bishopric than distributing them amongst the clergy.

The Duke of *Wellington* said, he was convinced that the Commissioners had formed their decisions upon reasons and arguments referable to the state of the Church, not only in the Isle of Man, but elsewhere. He was therefore desirous of giving to those decisions all the support in that House that he conscientiously could; and he earnestly recommended their Lordships to pursue a similar course.

Lord *Lyndhurst* said, he did not understand his noble Friend near him to have moved any amendment. He found in the Bill no provision for a distribution of the revenues of this see, and he had therefore asked a question on the subject.

Preamble postponed.

On the 1st Clause,

The Bishop of *Exeter* moved an amendment, the object of which was to prevent the Commissioners from becoming a perpetual corporation.

Their Lordships divided on the original question: Contents 31; Not-Contents 10: —Majority 21.

Clause agreed to.

On Clause 10,

The Bishop of *Exeter* moved, that there be added to it a proviso, that nothing in the Bill should extend to authorise the Commissioners to recommend the alienation of any episcopal land or hereditaments except in the case of the see of Durham, for the purpose of augmenting small livings.

The Committee divided on the original

motion: Contents 32; Not-Contents 7:—Majority 25.

Clause agreed to, as were the remaining clauses.

House resumed, Bill to be Reported.

HOUSE OF COMMONS,

Monday, August 1, 1836.

MINUTES.] Bills. Read a third time:—Turnpike Acts' Continuance.

Petitions presented. By Mr. JOHN FIELDEN, from various Places, for Amendment of Factories' Act.—By Mr. WALTER, from Chester, against Poor-Law Amendment Bill.—By Mr. CRAWLEY and Mr. LAW HODGES, from several Places, for Abolition of Church Rates; and by the last Gentleman, from Unitarians in Kent and Sussex, for Jewish Civil Disabilities' Bill.—By Mr. WALLACE, from the Fishermen of Inverary, praying for Protection.

NEW POOR LAW.] Mr. *Maunsell* presented a Petition from the Board of Guardians of the Poor of a place in Northamptonshire against any alteration in the Poor-law Bill that would affect the working of the system in that district.

Colonel *Rushbrooke* would avail himself of that opportunity to give an explanation of a statement made by the hon. Member for Finsbury, on a petition presented to that House by the hon. Member for Berkshire, complaining of oppressive conduct pursued by the guardians of the poor at Stowmarket. The hon. Member for Finsbury stated, that "a poor decrepid woman was not allowed to attend on her husband, who was blind, until a special order had been obtained for that purpose; and also that another woman who had employed a different surgeon than the one attached to the workhouse to attend on her, had her allowance withdrawn, and before she would consent to the change she was nearly starved." He had made it his business to go over to Stowmarket to ascertain the truth of the accusation, and, after a most strict inquiry of the clerk, and the most active of the guardians at Stowmarket, he was prepared to give the statement of the hon. Member a complete refutation. In this they could not be mistaken, for the first instance of the separation of man and wife took place on the 8th of July; and it was only resorted to when sufficient accommodation could not be had. The guardians denied ever having applied to the Commissioners for a special order, or any order whatever: and as for the surgeons, there were three of them attached to the union, all able and humane men, and no complaint had been heard against them or their mode of treatment. In a word, the poor were never better attended, or enjoyed more comfort or contentment than under the present Poor-law Bill; and they had received an addition to their out-door allowance during the last winter. He was glad of having the opportunity to release his constituents from so false and scandalous a charge, and he would not detain the House longer on the subject.

Mr. *Wakley* stated, that shortly after making the statement on Wednesday, an hon. Member from the opposite side of the House came over to him, and he gave him the name of his informant, and even read the letter containing the charge. He (Mr. Wakley) was not to be held answerable for the misrepresentations of the proceedings of that House which went forth. He did not, however, wonder that there should have been a mistake in the way they were reported on that occasion, for much excitement prevailed at the time. The first charge of the blind man being ill, and his wife not being allowed to attend on him until a special order from the Commissioners, did not apply to Stowmarket, but to the union of Besemere; the other charge related to Stowmarket, and they had been confounded together. The hon. Member read the letter of the medical officer who attended on the woman at Stowmarket, in which he stated that he had attended on her, and that she had complained bitterly of the poverty she suffered before she consented to give him up as her attendant, and it was not until one of the guardians told her that she should receive no further relief that she consented.

Petition laid on the table.

THE NEWFOUNDLAND AND HERRING FISHERIES.] Mr. *Wallace* presented a Petition from the Merchants and Traders of Greenock, complaining of the great difference in the amount of duty that was levied on Spanish Vessels, returning with fish from Newfoundland, and British Vessels, stating unless some alteration was made in the existing reciprocity laws with Spain, the trade of this country would be very much injured. The difference of the duty upon fish landed in Spain from Spanish vessels was 2*l.* 13*s.* less than on fish landed from British ships. They stated, that it was only right that our merchant vessels should be allowed to enter Spanish ports equally as free as Spanish vessels were allowed to enter the ports of Newfoundland. He hoped that the President of the

Board of Trade would attend to the prayer of the petition. The hon. Member also presented a Petition, most numerously and respectably signed, from Inverary, in Argyll, also respecting fish, but fish caught on our shores. The petition stated, that the fishermen of Scotland, Ireland, and Holland, had found out the breeding places of the herrings, and had resolved there to catch them, and that since the discovery was made the fishery generally throughout the west and north of Scotland, Orkney, Shetland, and Wick, had annually decreased. They prayed the attention of the President of the Board of Trade and the Government, with a view to protection being afforded. No trade was more entitled to receive the protection of the Government than the herring fishery, which was fully of as much consequence as the salmon fishery, there being no less than 100,000 vessels employed in that trade on the coasts of Scotland, and the northern coasts of Ireland.

Mr. *George F. Young* had a few observations to offer upon the first petition presented by the hon. Member, which was one of considerable importance. He recollected that about three years ago an hon. Member brought the subject of the Reciprocity Act and the conduct of the Spanish Authorities under the notice of Government; but, although it was admitted that they pressed most severely on British interests, the reply of the Government at that time was, that the political state of Spain was such as to prevent the Act from being rigidly enforced. He hoped that the matter would be taken into consideration by his Majesty's Ministers.

Mr. *P. Thomson* said, that great efforts had been made with the Government of he Queen of Spain to enter into an arrangement which would be mutually advantageous to both countries. He was orry to say that there did exist a jealousy on he part of the Spanish Government towards the British navigation on account of hat Government having only a small commercial marine. The petitioners complaind, that fish from Newfoundland paid more when carried in British than in Spanish hips, and they prayed that a duty might e imposed upon the fish. Now, to use a ulgar expression, that would be "cutting off our nose to spite our face;" for we could carcely even now compete with the Spaniards in their own market, and by imposing a duty upon the fish, we would not nly lose the carrying, as at present, but we would also lose the sending of fish altogether. He could only say, on the part of the Government, that the subject should continue to receive their best attention.

Petitions laid on the table.

NEW POOR LAW.] M. *P. Thomson* moved the Order of the Day for going into Committee on the Customs Duties Bill, on which,

Mr. *Walter* could assure the House that the necessity which had been laid upon him of making the motion of which he had given notice, gave him as much surprise at first as it had subsequently imposed upon him great anxiety and trouble. Had the petitions, with which he had had the honour to be intrusted last week, been received in a manner in which he thought all petitions which had the rights of humanity and the relief of our fellow-creatures from unnecessary sufferings as their subject-matter, ought to be received by that House he should have left them to work their effect upon the public mind, knowing that the subject would be taken up early in the next Session by the hon. Member for East Surrey, whose opinion might have more weight in that House than his own. The hostile manner, however, in which they were received, kindling, as it naturally would in generous dispositions, a resolution to see fair play, he thought he should be deserting those Gentlemen who were kind enough to lend him their assistance on that occasion, and called on him to persevere in bringing the subject under the consideration of the House, if he did not yield obedience to their recommendations. He should not, however, under these circumstances, abuse the indulgence of the House; but whatever might be his own impression, with respect to the new Poor-law generally, he should confine himself to the grievances complained of by the humane gentry, clergy, and other rate-payers of Petworth and its vicinity, as well as by gentlemen in his own county. He had been interrupted when he was saying on the last occasion, that the gentlemen who were chiefly instrumental in promoting the Sussex petition had no original objection to some change in the administration of the old law and of course no bigotted aversion to any fresh enactment which circumstances might require; but they did object to some of the new provisions, and especially to that which laid down the rigorous rule of refusing relief in all cases except in the union work-houses as being in their judgment cruel and impolitic, and tending to the destruction of a valuable peasantry, instead of training up what some were pleased to call independent labourers. He thought that the passages which he read from the speeches of Mr. Pitt and Mr. Whitbread, and which might be strengthened by the opinions of other eminent persons of the same era, could not if duly considered, have failed to strike the House; and though it made no part of his object to defend those opinions, yet it was at least unbecoming to visit those who had been misled by such opinions with all the severities of a new system, which they could not possibly have foreseen and contemplated. About the same time when these speeches were made, originated that notable expedient of making up the industrious labourer's wages, in proportion to the number of his family, out of the poor-rates. The magistrates, however, who first concocted this scheme, were so satisfied with their principles, that they made a record of their own acts, and expressly stated that they had called in the wise and the learned in such matters to their councils, and recommendation the the practice to their neighbours. How was it possible, therefore, that the labourers should not have been misled, and induced to calculate upon the rates as a resource? The magistrates who introduced this system declared it to be inexpedient to comply with the requisitions of an existing law for regulating wages, and put forth these their own rules as a substitute. If the gallon loaf was 2*s.*, a single man was to have 5*s.*; if he had a wife and child, he was to have 10*s.* and if seven children, he was to have 25*s.*, and so in proportion. Such was the law of this country practically for forty years; and for these follies our industrious labourers were now made to answer. Not to make his statement tedious, he would come immediately to the new Poor-law. To correct evils thus of their own introducing,—evils that had no foundation in the old poor laws, which if rightly administered, were indeed adequate to every case of idleness or distress,—this tremendous invention of a new Poor-law had taken place, with its train of Commissioners, and assistant Commissioners, &c. And certainly there could not be a more false principle of legislation than to make new laws, simply because the old ones were not put in practice—had sunk into desuetude by the perverse introduction of a method totally foreign to them: but never ought it to be forgotten that the great increase of the rates was owing to these imprudent recommendations to pay wages out of the rates. The new law, then, established a kind of court of high commission, the seat of which was in the metropolis, to govern every parish in the kingdom. It had powers to relax or to enforce the odious principle of forcing the poor into the workhouses. Till lately it did not venture to act upon this new law of imprisonment for poverty; but now, recently, wherever it was attempted to be carried into force, it had invariably been attended with complaints, remonstrances, and a fearful disposition to resistance. He knew of one quarter in which it had been proposed to raise subscriptions for the relief of those who would otherwise be driven by the law from their homes into these workhouses attached to unions; so that they would have at once poor-rates, a host of stipendiary Commissioners to apply them, and private subscriptions as the chief source to which the poor must look for support. He had received a numerous list of cases of extreme hardship in his own county. He would mention an example or two:—One was the case of "a widow, aged 32, who had five small children; she was a respectable and industrious person, and with the assistance of 4*s.* or 5*s.* could maintain herself and family. She had been forced into the Bradfield workhouse, where she cost the parish 10*s.* 6*d.* weekly, and must be a prisoner there for some years, if this severity were permitted." Another case was that of "a young woman, also having five children, who had the offer of a nurse's place, with the prospect of continued employment in that line, and would have needed very little outdoor assistance; she also had been forced into the workhouse, which was nearly the same thing as sentencing her to seven years' imprisonment." Now, why were these poor women to be imprisoned for several years, or why should individual charity be taxed to relieve them from so grievous an oppression? The rate-payers of Petworth, only wished to be allowed to support the poor according to the principles of humanity, but had received a positive injunction to act up to the extreme letter of the board's order: they had in consequence, refused to act all. "They are assessed (they say) to the poor-rates, and some of them to a very considerable amount; they have severely felt the pressure which has of late years been caused by their great increase, and they are deeply interested in their diminution; but they wish not to see that diminution brought about by a system of injustice and oppression." Next to the bread we eat, the means of recovering us from disease was of the highest importance. It might be said, that a man may help being poor by provident care; how a labourer and his family were to avoid being sick, he could not tell; but, under that affliction of Providence, he read from the Petworth petition, and knew that such was the behest of the new law, as enforced by the Commissioners, "that an able-bodied labourer out of the workhouse, if himself in health, cannot be deemed a pauper, and therefore cannot be permitted to claim medical relief; and by the regulations of the Poor-law Commissioners, the medical officers employed under them are not called upon or required, nor have the guardians the power of directing them to administer relief to any part of an able-bodied labourer's family, be the necessity ever so urgent, even if his wife and ten children were all ill together; and your petitioners beg to submit, that the effect of this regulation, if acted upon, in addition to the entire want of humanity and kind feeling in its practice, must be a source of much suffering to numerous individuals, and great loss of life; and must lead, in many instances, to a wide and fearful extension of contagious disorders." Such being the severity of the new law, it was worth the while to inquire how that House could have been induced to pass it. And here he would say, that it was only through much misrepresentation of its character and effects, that such a law could, he thought, have found its way through that and the other House of Parliament. These were the words of the noble Lord, to whom the conducting of the Bill through that House was confided. He placed them simply before the House, and should say nothing in the way of comment, except that the facts had turned out notoriously and undeniably totally different from those which were predicted and avowed by Lord Althorp. On the second reading of the Poor-law Bill, on the 9th of May, 1834, Lord Althorp observed:—"It was said that the intention of the Bill went wholly to prevent the granting of relief out of the workhouse walls. Now, the fact was, there was no one clause in the Bill to that effect; but on the contrary, a passage expressly declaring that in cases of emergency relief might be given out of doors. The Commissioners were certainly to have the power of recommending the building of workhouses, but so far from all relief of any other description being prevented by the Bill, he believed that when it came fairly into play, the outdoor system of relief might be advantageously increased rather than otherwise."* And in Committee, on the 26th of May and 6th of June, the noble Lord repeated the preceding declaration. His words were:—"All the rights the poor now possess are preserved to them by the present Bill. .... The Bill does not, as has been erroneously represented, go to the extent of saying, that no relief shall be given out of the workhouse.†.... The Bill does not involve the necessity of giving no relief out of the workhouse, or of erecting workhouses throughout the country, without the consent of the majority of the owners of property.‡....The power of giving relief out of doors will still remain as before. It would be absurd to suppose that the Bill meant to sanction a general system of workhouses throughout the country."§ And again, on the 10th of June, Lord Althorp said:—"If by this Bill the House were to say, that either now, or at any future time, relief should not any longer be given out of the workhouse, he should consider that the Bill would go a great deal too far, and would be attended with bad consequences. But the Bill did nothing of the kind. The clause did not give such a power to the Commissioners as had been described; if it had any effect, it diminished the power. It appeared to him so unimportant at one time, that he had almost intended not to persevere in it." With respect to the other House of Parliament, he (Mr. Walter) had less knowledge of what passed within its walls; but this was the manner in which the noble ex-Lord Chancellor spoke of its intended operation, even after it had passed the House, and so lately as last March twelvemonth:—"No one ever entertained the intention, or indulged a dream or imagination—there had been no talk of separating husband from wife, or parent from child. Undoubtedly, hospitals would be established in the new union workhouses, and the sound would not be shut up with the sick as heretofore. This was all the separation that could be contemplated. But no child of an age to require parental care would be separated from its parent; no husband and wife be parted; the idea of such a proceeding, he would venture to say, had never entered any man's imagination during his waking moments; and he very much doubted if any one had ever dreamt of such a thing."* Now he had stated the facts with respect to the operation of this measure, as regarded the separation of families. Had "no one ever dreamt of such a thing?" Would to God they had done no more; they had not only "dreamt of it," but carried it into effect with fearful severity. The noble Home Secretary, if he understood him right, in contradiction to all these authorities, asserted, "that one of the general rules made by the Poor-Law Commissioners was, that husbands and wives should be separated in workhouses, and that it was necessary, when an exception was made in that rule, that there should be a special order for it. The propriety of this rule, then, which, in violation of all antecedent engagements on the part of the authors and supporters of the Bill, appeared now to be generally enforced, was the point which the House would that night have to consider. But with respect to the present practice of the Bill as compared with preceding engagements, declarations, and explanations on the part of its authors, the discrepancies were so great and various, that one would really think the whole Bill had been founded on misrepresentation and deceit. For example—the salaries of the three Chief Commissioners, as originally stated by Lord Althorp, were to have been only 1,000*l.* a-year; he (Mr. Walter) verily believed that it escaped the attention of hon. Gentlemen generally, that these salaries were finally fixed at 2,000*l.* The Assistant Commissioners were to be in number only nine, or twelve at most, with salaries below 1,000*l.* At present there were twenty-one of them with salaries of 1,500*l.* a-year. Now the Boards of Guardians had no pay whatever; but that, as they were beginning to find out, was to be made up to them by kicks and abuse. With this kind of compensation, however, they were so unreasonable as to be dissatisfied, and they were in many cases, as in that of Petworth, refusing to act. He had been informed of many instances also in which rate-payers were beginning to discover, that the money which was under the old law advanced to their poorer neighbours in the way of relief, would, after all their conflicts for the diminution of the rates—should this Bill continue, and be successful in diminishing them, both of which he doubted—these savings out of the rates, he said, would ultimately find their way into the pockets of landlords in the shape of increased rent. He must mention, in passing, that the whole Bill was of such a nature that it was not, and was not meant to be, applied to the whole of England. It was not, as he understood, introduced at all into Lancashire, nor was it to be. Not into Manchester, nor was it to be. What could this mean? What possible motive could there be for its non-introduction into those places which was not equally cogent with respect to Petworth and Sussex — with respect, in fact, to every populous town and county in England? In appealing to that House for the removal of these evils, he could not help still hoping that he was appealing to the natural protectors and best friends of the people. That a contrary opinion was unhappily beginning to spring up, was but too clear. Could Gentlemen hear the statement of the hon. Member for East Surrey the other night, to whom thousands of the inhabitants of Leicestershire had intrusted a memorial to his Majesty against that barbarous order for separation which he (Mr. Walter) could not find words sufficiently strong to stigmatize—could any one, he said, hear without emotion the statement of the hon. Member, that the petitioners were unwilling to lay their grievances before that House, because the subject of the poor was observed to excite distaste and impatience there? Of the millions of people whom the casualties of human life might remove from a state of competence to the necessity of seeking parochial relief, was there one who would not have cursed the Reform Bill—who would not have deprecated that change in the structure and constitution of that House—if they had thought it possible that one of its first fruits was to have been such a Poor-law Bill as the present—a Bill that was to take away the poor from out of the hands of their natural guardians, and consign them to stipendiary strangers—a Bill that was to rend parents from children, husbands from wives—in fact, to violate all the laws of nature; and to substitute in that House the heartless speculations of political economists for the feelings of humanity? He was extremely desirous not to detain the House longer, but he had that morning received a mass of information from various parts of the kingdom, complaining of the severity of the new law as enforced by the Commissioners, and he felt it to be his duty to read some of the letters. The first was from a place in Hampshire, and was signed by four of the guardians of the poor. They said, that "for several years previous to the formation of their Union under the new law, the management of the poor and the business of the parish was conducted to the general satisfaction of the rate-payers. The poor house belonging to the parish was and is now occupied by old and infirm persons, a number of idiots, and many orphan children; the above destitute objects were maintained with the strictest economy, but in comparative comfort; they regret to say, since the formation of the Union, which includes thirty-one parishes, a great and cruel change has taken place; they are now subsisted according to the regulations of a dietary sent down by the Poor-law Commissioners, which allows to the inmates meat or soup three days in the week, but four days they have a scanty allowance of bread and cheese, with water. Was this a sufficient diet for boys arrived at the age of twelve or thirteen years, and who are in constant work in the fields driving the plough from six o'clock in the morning until four in the afternoon? The parish receives *2s. 6d.* or *3s,* per week for their labour; they are maintained in the poor-house at *2s. 9d.* per week each, consequently without any expense to the parish. Now, what we have most to complain of is, on those days when they are allowed bread and cheese only, that they have not a little table beer added. We, the guardians of this parish, have made several attempts to give them such a trifling allowance, but are as often defeated by the chairman and the guardians of the distant parishes, who are total strangers to the character and situation of our poor in the workhouse; we are well assured that the rate-payers are highly indignant that the unfortunate poor should be subjected to that harsh and cruel treatment such as we have described. Again, the relieving officer of this district resides in a distant parish, four miles from this town, so that our sick have to go that distance for a certificate, or wait until he attends one day in the week at the work-house before they can have medical relief, unless under extreme cases. From Newbury he had received the following statement:—

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* Hansard (Third Series), vol. xxiii. p. 841.
† Ibid. p. 337. ‡ Ibid. vol. xxiv, p. 316
§ Ibid, vol. xxiv. p. 346.

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* Hansard (Third Series), vol. xxvi. p. 1067.

"In making out a dietary table for the work-houses of the Newbury union the guardians had allotted to each inmate of the house one pint of small beer a day (half a pint at dinner, and the other half pint at supper time). On sending up the table to the Commissioners in London they struck out this pitiful allowance, and refused to pass the table without also some of the allowance of meat was struck out. The cost of the beer was of the immense value of one halfpenny a pint, and this small quantity is, in my opinion, as well as that of the majority of the guardians, absolutely necessary, because the water near the work-house is considered as unwholesome."

Another gentleman had sent him the following accouut of a disgraceful scene which had occurred in the parish of Montacute, near Yeovil:—

"Mr. Cox, the clergyman of the parish, was called upon to attend the funeral of a pauper at half-past five, at which no pall was permitted to cover the coffin, and no bell to toll; the consequence was, that many of the people of the parish, chiefly women, opposed themselves, and would not allow the corpse to be brought into the churchyard. A scene of indescribable uproar ensued. The disturbance from half-past five till nine continued, and was increased, by a numerous addition of people. At an early stage of the proceedings the bearers and friends of the deceased had taken their departure, leaving the corpse on the road before the churchyard gate. All that Mr. Cox could say was perfectly fruitless, and the interference of two other clergymen who (hearing of the riot and possessing some influence in the parish) came to assist the endeavours of Mr. Cox, but all was totally unavailing; the overseer could not be prevailed upon by the people themselves to stir from the letter of his instructions received through Mr. Chadwick, and Mr. Cox would not take upon himself to oppose the order of the board. At length he went to the house of the deceased, and proposed to the widow that she should take the expenses of the funeral upon herself, prevailing with her to trust to the assistance of her friends. To this she at length consented; and the matter being thus arranged, the funeral was got over about half-past nine, with bell and pall, more quietly than was expected. The people, however, carried back the corpse to the house, and walked a second time to the church in procession. It is anxiously hoped these instructions to the overseers may be withdrawn; if persevered in, similar outrages may be expected, and may not easily be suppressed. I need not observe that this tumult arose from religious feelings, the poor having been always accustomed to these accompaniments at the burial of their departed relatives; and hundreds of them on this occasion shouted, that if they were to be thus treated by the Church to which they belonged, they would leave it and go to the meetings of dissent, where they should be better treated."

The hon. Member concluded by moving a Resolution:—

"That the House early in the next session, would institute an inquiry into the operation of the act of 5th William 4th., entitled 'An Act for the Amendment of the Laws relating to the Poor in England and Wales;' and particularly with regard to out-door relief, the separation of husbands from their wives, and of parents from their children, in the union work Houses."

Mr. *Cripps* most deeply regretted that the hon. Member for Berkshire should have made the detail which he had just concluded to the House. He denied the accuracy of the statement that the Bill of which he complained was daily getting more unpopular; on the contrary, he (Mr. Cripps) would presume to state, that both in his own neighbourhood and in other districts with which he was acquainted, the measure had acquired an immense popularity. He had ever considered the Bill as one of great public advantage, and when it was first submitted to Parliament he had thought, and so he thought still, that the country was under the greatest obligation to the noble Lord who had brought forward so strong a measure; but while he thanked that noble Lord and the Government to which he belonged for this Bill, he had never conceived it would be a perfect and unalterable measure. The subject was a most difficult one for legislation, and it was only by bringing the measure into operation, that its defects could be discovered, or the objections to it removed. He would, however, say that a Bill of greater importance had never been passed by Parliament. The hon. Member for Berkshire had laid great stress upon two or three clauses of the Bill, which in his view were objectionable, and on that ground the hon. Member went almost the length of desiring the annihilation, if possible, of the Bill. It was true the hon. Member had not said that he wished to put an end to the measure, but it was plain, from the hon. Member's observations, that he would overset the whole provisions of the Bill, and he regretted that so many hon. Members entertained similar opinions. The hon. Member for Berkshire had referred to the clause providing against the granting parochial relief to able-bodied workmen. He believed that instructions had been issued from the Commissioners, to the effect that it was intended to act to the full on the provisions of that clause. Now, he happened to be the Chairman of a Board of Guardians in a district containing a number of parishes, and comprising a population of 20,000 souls; he had endeavoured to prevent its circulation until the feelings of the House of Commons and the desire of the Poor-law Commissioners should be more fully known, and his object had been to make those capable of labour independent of parochial aid. He had thought it most desirable also that children, even of a tender age, should be employed, and thereby removed from the poorhouse as far as possible. With this view, the guardians, acting upon his advice, had employed children as much as possible without affecting their health, and the advantage of the system had soon been made apparent; and in his district there existed the extraordinary fact, that out of a population of 20,000, he believed that at the present moment not a single child had been sent to the workhouse. As to diet, it was totally different in the workhouse of his district from that stated by the hon. Member for Berkshire, and indeed the complaint was, that the inmates of the workhouse lived too well. The same system of which he spoke had been adopted in the whole of the county of Gloucester, part of Wiltshire, part of the county of Berks, and in the parishes round London, and the result afforded a complete contradiction to the statement of the hon. Member for Berkshire. With reference to the statement of the hon. Member, in reference to medical assistance to paupers, he could remark that one medical officer had stated on paper that paupers were supplied in that respect with every thing that was right and proper to be given them. On the whole, though the Bill might require alteration, it had certainly worked well in the district with which he was connected. It was true that some cases had required investigation, but on inquiry, the complaints appeared to be founded on misrepresentation; and he did not doubt that if other complaints were investigated, it would be found that they stood on similar slight foundation. The hon. Member concluded by expressing a hope that such erroneous impressions as the statements of the hon. Member for Berkshire were calculated to lead to would not gain strength in the country, or lead to any vital alteration of a measure which had worked to the entire satisfaction of the vast majority of the people.

Lord *John Russell* was very glad the House had heard from the hon. Member who had just sat down the result of his experience on the subject; for he was sure that the testimony of a Gentleman who had regarded the operation of the Bill without prejudice would have its due weight with the House. He did not participate, however, in the apprehensions the hon. Member had expressed—viz., that anything which had fallen from the hon. Member for Berkshire would either have a dangerous or mischievous effect, or would render the Bill unpopular in the country. There had been a time, however, when the reform of the Poor Laws was regarded as a very strong measure, and when it required great boldness on the part of his noble Friend the late Chancellor of the Exchequer (Lord Althorp) to mention such a measure in the House, and to carry it into a law. At that time there existed great vested interests, if he might so call them, in favour of the abuses of the old poor laws. In the first place, there were able-bodied paupers, who liked subsistence without work, better than the wholesome wages of labour. There was also a numerous class of shopkeepers, who found their best market in the parish funds, and who for very inferior articles obtained an exorbitant price. In the next place there was a portion—a small portion, he must say—of the magistracy, who endeavoured to obtain for themselves a false reputation for humanity, who represented themselves as exclusively the friends of the poor, and who promoted, with that view, the abuses of the old poor laws. All these interests were seconded and hallooed on by the efforts of a portion of the press—a portion which lent itself to misrepresentation of the intentions of those who wished to reform the law, and to traduce their efforts, as tending to the injury of the poor. There were, undoubtedly, great obstacles in the way of reform; but it did so happen that circumstances tended very much to the success of that reform. There had been, in the first place, the circumstance, alike honourable to this and the other House of Parliament, that in the discussion of the subject no question of party was mixed up. In the next place, the great body of the magistracy of the country were convinced of the evil tendency of the then existing laws, and were willing to try any fair experiment of reform; and lastly, there existed a very strong feeling throughout the country, that if some strong remedy was not attempted, the abuses of the Poor-laws would be fatal to the property, and finally to the peace of the nation. With these circumstances in his favour, his noble Friend, Lord Spencer, had been enabled to carry the amended system of Poor-laws which he proposed. Among the abuses which that system was intended to remedy there was no more striking or more injurious one than the practice of ekeing out the wages of labour by payments from the poor-rates. This was a practice which had been denounced by every Committee that had investigated the subject; by Mr. Sturges Bourne's Committee in their excellent Report of 1816, by the Committee of Labourers Wages in 1824; again most strongly by the Committee of 1828, and again by the fullest and most complete evidence furnished by the Commissioners of Inquiry into the Poor-laws, who, in numerous papers which he would not detain the House by quoting, showed, by the testimony of unimpeachable witnesses, that the practice tended not only to injure property, and to occasion a great waste of time and revenue, but to destroy the independence of the labourer. This abuse, strong and striking as it was, the hon. Member for Berkshire was now endeavouring to restore to its full vigour. This, and no other, was the object of the motion then before the House. When the Bill for the reform of the Poor-laws was first brought forward, the question arose in what manner the abuse should be met. One proposal was, that out of doors relief should altogether cease within a certain time after the passing of the Bill. This was subsequently abandoned, but he was not incorrect, he believed, in stating, that it was proposed that after a certain time—the 1st of June, 1835, the payment to able-bodied labourers from the poor-rates should wholly cease. When the point came to be discussed and reflected upon in the House, it was argued (very justly as it seemed to him) that the sudden and entire abolition of the practice which had been very general in some parts of the country might prove very injurious, if not dangerous, in its effects; and that it should be left to the Poor-law Commissioners to fix some time, according to their discretion and their knowledge of the different circumstances of different places, at which that new rule should be carried into effect. Accordingly, the Poor-law Bill having been now the law of the land for two years, the Poor-law Commissioners had begun to carry this principle into operation in various places. It had been established in no less than twelve unions in Kent; in many voluntary, in others pursuant to the recommendation of the Commissioners, and in all he believed with the best effect. In many unions in Sussex, too, the same rule had been successfully adopted. He was bound to admit that there were many circumstances favourable to its being carried into effect, among which were the time of year, the improved rate of wages of labour, and the demand for labour in the manufacturing districts, which pointed out to the distressed agriculturist the means by which he and his family might obtain full employment. The hon. Member for Berkshire had adverted to the practice formerly pursued at Petworth. Why this practice was directly opposed to every effort of the Poor-law Commissioners, and every principle on which the Bill had been passed. So long as the labourer lived upon his own wages he was an independent man, with feelings of honest independence in him. Once let him derive a portion of his subsistence from the poor-rates, and this feeling deserted him. He would beg to refer the hon. Member to some questions which were put by the assistant Commissioners to the managers of the poor at Newbury. It had been stated that some of the labourers derived assistance from the poor-rates. The question was asked, "Do the rest of the labourers receive no higher wages than those who obtain parochial relief?" "We believe the wages are the same" was the reply. "Among the large class of labourers" was the next question. "Among the large class of labourers who do not come for relief, is there not a great proportion of married men, and men who have large families?" "Yes—we know there is." "Receiving no higher wages than the others, they still maintain their families—do they not?" What was the reply? "Yes they do, but how they do so we cannot tell. They are above coming to the parish." This was the feeling he wished to maintain. He wished to see the labourers above coming to the parish, and let not the House tell him that those were the enemies of the labouring classes of England who wished to inculcate into their hearts the honest and manly spirit of independence. The reply he had just read was very naturally followed up by the inquiry whether this fact did not lead the person who stated it to the inference that other men might live in the same way, to which interrogatory no answer was returned. He maintained, then, that it was most desirable to establish the new principle wherever it could be established. The Poor-law Commissioners had received no complaints whatever from five-sixths of the unions in which that rule has been applied. With respect to the general case, he relied entirely upon the experience which had been obtained of the working of the new law. Those who had attended the Boards of Guardians, at least those whom he had communicated with, were fully satisfied with the beneficial working of the law, and would by no means assist in the demolition of one of its most important provisions. The Poor-law Commissioners received letters almost daily from various parts of the country—as well from former opponents as supporters of the measure—all stating that the Act had worked better than was expected—that the expectations of those who were most sanguine had been surpassed, and that those who had expected evil had been surprised at the different result which had taken place. It was very easy to bring before the House of Commons or the public, cases which were alleged to be cases of grievance; but he must take the opportunity of condemning the practice which had prevailed at the close of last and during the present Session, of making statements without previous inquiry. In all cases in which a grievance or hardship was alleged to have arisen out of the Poor-law Amendment Act, hon. Members should, in the first instance, make inquiry into the truth of the circumstances, of the Poor-law Commissioners, the Boards of Guardians, or the Home Secretary, before they brought them forward in the House of Commons. Instead, however, of following that course, which was the obvious and fair one, Gentlemen were in the habit of coming down to the House, stating any facts which happened to be communicated to them, and leaving them to make an impression on the public mind, and taking the chance of their being contradicted a week after. This was not a fair mode of proceeding, because, in many instances, it must happen that those who had seen the charge would never see the explanation. He was glad the hon. Member for Finsbury had not yet spoken, because he was about to read a letter for his information from one of the Assistant-Commissioners, in answer to a statement which the hon. Member made upon a former evening regarding the treatment of the poor in the Union of

Stow-market. That gentleman went to Stow-market the moment he saw the hon. Member's statement reported in the newspapers, and the following was the substance of the communication which he had sent to him (Lord John Russell):—

> "We found the Board of Guardians preparing a Memorial to forward to the Home Secretary, denying the correctness of the hon. Member for Finsbury's statement, and calling for the name of their accuser. They stated these points;—1st, there were only two married in the workhouse; 2nd, all the other married men were disposed of on out-allowances; 3rd. the two before-mentioned would have been disposed of in the same manner, but for the illness of their wives; 4th, they were separated from their wives because it was necessary that the latter should be in the infirmary; 5th, they were allowed to visit their wives in the day-time; 6th, they availed themselves of that permission daily."

With respect to the blind man, in favour of whom the hon. Member for Finsbury appealed to the sympathies of the House, the Assistant-Commissioners informed him, that William Greenwood, in the workhouse of Stow-market, was not blind, but a very capable man for his age. All that he had learned upon the subject, led him to the conclusion that paupers in workhouses, though placed under a good deal of restriction, were subjected to none which was not absolutely necessary. The excellence of the diet used in those places might be inferred from the fact stated by an hon. Member that a friend of his had lived upon the work-house fare for six weeks, and at the expiration of that period found himself in an excellent state of health. He recommended the hon. Member for Berkshire to try the same experiment, and state to the House the result of his experience. At the time the new law was under discussion it was said that it would lead to a system of centralisation unknown before in this country; but the contrary had proved to be the fact. An efficient form of local government had, under the Poor-law Act, been established in every district of the country. He made this statement on the authority of Lord Althorp, who since his retirement from that House had acted as a guardian of the poor. Before sitting down, he would state to the House what had been the expenditure for the support of the poor during the last three years. In 1834, the expenditure was 6,377,000*l.*; in 1835, it was 5,518,000*l*; in 1836, it was 4,711,000*l.* Thus there was a decrease in 1835, as compared with 1834, of 799,000*l.*, and in 1836, as compared with 1834, of 1,596,000*l.* The sum expended in law bills, in 1834, was 258,000*l.*; in 1836, 171,000*l.*, exhibiting a decrease of 87,000*l.*, and the total decrease of of money expended under every head up to the 25th of March 1836, as compared with 1834, was 1,794,909*l.*

Mr. *Robinson* was not sorry that this subject had been brought under the consideration of the House. He admitted that it was very easy to say, that certain parts of the Poor-law Amendment Act worked ill, and thus to hold it up to the objections of the poor peasants, but he did not say that that was the object of the hon. Member for Berkshire. He had not heard any remark from that hon. Member which could show that he had any other object than that of bettering the condition of the poor. The question which they had to consider was, whether the measure of the Poor-law Amendment Act was not too abrupt a measure, and had not been brought too suddenly into operation? On that point he would observe, that the Act could not have been carried into operation under circumstances more favourable than those which had occurred. Let the House recollect what those circumstances were. There was a greater cheapness of provisions, and a greater extent of employment, than had been known for many years. These facts would account for the great diminution of expenditure under the Poor-law system, and he thought, therefore, that it was not right to attribute the saving of 1,796,000*l.* solely to the operation of the Amendment Act. He had not opposed that Act as a whole measure, but there were parts of it to which he was then and still was opposed. He was opposed to that principle of it, which he hoped neither the guardians, nor the Commissioners, nor the House would sanction in practice—namely, that able-bodied paupers should under no circumstances be entitled to relief. That principle, if acted upon in every case, must be most cruel and unjust. He would admit that it would be right and salutary to say to the able-bodied man that he ought to support his family by his own exertions, but it would be worse than cruel to tell him, when he was able and willing to work and could get no employment, that he and his family were to be excluded from all relief. Of what use would the poor man's health and strength be if he could not get employment? He thought he had understood the noble Lord (Lord John Russell) to say, that the Poor-law Commissioners had acted on that principle since 1835, and that no relief should be given to such parties "out of the workhouse." If he had understood the noble Lord correctly, he must again, as he had on a former occasion, protest against the principle of placing men in a kind of penitentiary merely because of their inability to procure employment. As to the principle of separating the pauper wife from the husband, he thought it was revolting, that it was calculated to throw odium on the whole measure in the estimation of the country; but he trusted that either of those principles would not be carried out in every case. There was another part of the Bill to which he objected—the bastardy clause. An hon. Friend near him said that it was one of the best parts of the Bill. No doubt his hon. Friend thought so, but he (Mr. Robinson) must say that it was a most unjust, he would add iniquitous, principle to exempt the man, who was at least an equal partner in the guilt, if not the more guilty, from all responsibility, while the onus of the support of the offspring was thrown exclusively on the woman, except when they became chargeable on the parish. He had never heard any one argument which could convince him of the justice of that part of the Bill.

Lord *Granville Somerset* said, that after the statement made by the hon. Member for Berkshire, he should be glad to have some further explanation from the noble Lord (Lord John Russell). To him it appeared that the noble Lord had not given an answer to the case. The noble Lord had spoken of the evils of supporting able-bodied paupers, and also of paying wages out of the poor-rates. All that he admitted to be hard, as a general principle—but the cases were not provided for by the Poor-law Amendment Act. He admitted, that the Act said, that the family of an able-bodied pauper should not receive relief from the poor-rates—but in the progress of the Bill that principle was found to be so objectionable, that a power was given to the Poor-law Commissioners to modify the Act according to circumstances. The principle, however, was too much acted upon. If it was to be made applicable to more than one union, he had understood that the fact was to be laid before Parliament, and as no such return was made to Parliament, he must take it for granted that no such rule was laid down. In one case, in Sussex, the same rule had been applied as in Petworth, but when the guardians remonstrated they got a letter after an interval of thirty days, telling them that they were not to act on the rule. Now he wanted to know why a different rule had been laid down in the two cases, and why the departure from the general rule had not been laid before Parliament? He had not been an advocate for the Poor-law Amendment Bill, but having become the law of the land, he would admit, that it was an experiment which ought to have a fair trial, and, therefore, if the motion of the hon. Member for Berkshire had been for an inquiry into the particular case which he had stated, he would vote for it, but the motion for a general inquiry he could not support. Under all the circumstances, he thought it would be premature for Parliament to pledge itself to any such inquiry.

Lord *John Russell*, in explanation said, that the Report, which would have included the case mentioned by the noble Lord, had been delayed because all the returns were not yet ready. As to the case of Petworth, he would observe, that it was left to the Poor-law Commissioners to fix the time when the principle of confining relief to in-door paupers should be acted upon; and from the statement that had been made as to the cheapness of provisions and the demand for labour, it was pretty clear that they had chosen the very best time for working out the principle.

Lord *Granville Somerset* said, that what he wanted to know was this—why if a different rule had been laid down in more than one Union than that which was followed in the others, the circumstances and the cause of it had not been laid before Parliament as the Act directed?

Mr. *Wakley* said, that the case of the blind man and his wife, to which allusion had been made, was not at Stow-market, but in the Union of Bosmere and Cleddon (as we understood), but the principle to which he objected had been acted upon in other places. In the parish of St. Martin-in-the-Fields, it was a rule that aged and infirm husband and wife should not be in the same apartments without a special order from the Commissioners. He had had several communications on the subject of the working of the Act. In one it was stated that a poor woman who was attended by a surgeon, who gave his advice and assistance gratuitously, had had her allowance from the parish stopped, because she was not attended by the surgeon appointed by the guardians of the poor. In another case at Chipping Ongar, a poor man was attended by a surgeon for a disease of the heart. The Surgeon in this case, who also gave his aid gratuitously, stated the utmost quiet was necessary for the patient, and advised him not to go to the work house, where such quiet could not be obtained. The poor man, who had before received parochial relief, was refused any farther aid, unless he became an inmate of the work house, and but for the subscriptions of a few labouring men in his neighbourhood he must have died of starvation. His wife was obliged to go out to service, and their child was sent out to nurse. These were matters which called for inquiry, for decidedly they were against the spirit of the Poor-law Amendment Act. As the noble Lord had promised to inquire into these matters, he would not go further into them at present; but the cases he had mentioned, and there were many such, required a remedy. He admitted that the old poor law system was bad, so bad, that it was thought no change in it could be for the worse, but the Poor-law Commissioners had shown that there could be a worse system, in the refusal of relief to a sick pauper, because he or she was not attended by the medical practitioner appointed by the parochial board. It was said, that this Act had given general satisfaction; but to whom?—to the rate-payers, but not to the poor; nor would it until the whole subject had been fully inquired into. He must say, considering the statements which had been made, that the poor could not and would not be satisfied till an inquiry was instituted. If the noble Lord believed the statements he had himself made, why did he object to inquiry? He and every party with whom he acted must be delighted with the proposed investigation, if they believed that the Report of the Committee would be satisfactory. If they believed that one half of what they had stated could be proved before a Committee, they could not, consistently with common sense, and with the principles of justice, refuse inquiry. It had been said, that low diet was absolutely necessary to the preservation of the life of the paupers, and that it was for that reason that such a system had been adopted. Now, he would ask those who recommended this diet, he would ask hon. Members of that House, if they would be willing to place themselves on such an allowance of food as had been fixed in the Gloucester workhouse—a weekly allowance of forty-two ounces of bread, fifteen ounces of beef, eight ounces of cheese, twenty-four pounds of potatoes, four pints and a-half of soup, and ten and a-half pints of gruel? This allowance was hardly sufficient to keep the miserable inmates from starving, and yet they had been told, that it was sufficient to sustain them comfortably, and to keep them content and well satisfied. He should only say, that if they were satisfied, they deserved the treatment. Would any one tell him that treatment such as this was merited by the industrious workpeople of England, who spent their lives in providing necessary articles of consumption, and preparing luxuries for the community? It had been denied, that the workhouses as now constructed, had the appearance of gaols, and yet most of them were so made as to prevent the inmates from holding any communication with persons on the outside. Alterations had lately been made in the upper windows of the Gloucester workhouse, which had the effect of absolutely preventing its inhabitants from seeing any thing that passed on the outside of the walls. The object of the Poor-law Commissioners undoubtedly was to convert the workhouses into prisons, to place the paupers in the position of prisoners, and to subject them to every species of hardship and degradation, with the view of preventing them from seeking that asylum in the hour of distress. It was said that poor men ought to be prepared for misfortune, and that they ought to have enough to maintain them in their old age, and the Lord Chancellor, when he introduced the Poor-law Amendment Bill into the House of Lords, had even gone so far as to declare that there should be no such thing as an asylum for the aged and infirm in this country; because every man possessed of common sense must know that old age would overtake him. How was it possible for a poor man to save such a sum as would be necessary to provide for him in old age, so long as the rate of wages continued so low as at present? In the West of England wages were only 7*s.* a-week, and he knew two parishes of Leicestershire and Dorsetshire, where they did not rise above 6*s.* a-week. It was understood that the new Poor-law would be brought into operation in these parishes, where it was expected to confer great benefits, both on the rate-payers and the poor. So far from this being the case, he was satisfied that in the end the rate-payers themselves would find this law to be one of the greatest curses ever inflicted upon them. It created a feeling of exasperation between the labourers and the rate-payers which he should be glad to see appeased, but which he believed never would be appeased, till the guardians had more power, and the Commissioners less. The guardians were themselves rate-payers, and he could not conceive why they should be restrained from doing what they pleased with their own money. They were elected by rate-payers, and they were themselves rate-payers, and if they chose to give assistance to the poor and the infirm, he could not see that Parliament had any right to decree that they should not give that assistance in the shape of poor-rates. The House might resolve to adhere to the present law, let the consequences be what they might; but let there only be a scarcity of corn, or a difficulty in procuring employment, and every atom of property would be endangered by the feeling of hostility which would be created. There might be reasons why the House should not adopt this resolution; many persons might feel reluctant to pledge themselves to inquiry at the commencement of next Session; but he could tell them, that at the beginning of next Session, such multitudes of petitions would be presented, that whatever the feelings of the House might be, the investigation could not be got rid of. An inquiry must be conceded sooner or later, and if the statements which the noble Lord and his Friends had made could be substantiated, then they were bound by every principle of justice and even expediency to go into the inquiry, and satisfy their opponents that the law was working for the public benefit.

Mr. *Cripps* wished to say, in reference to the Gloucester workhouse, that he was not aware of the precise nature of the allowance given to the paupers, but supposed it to be the same as in other workhouses.

Sir *Harry Verney* said, that though favourable to the new Poor-law, he was sensible that, in order to produce beneficial effects, it required to be carried into execution under favourable circumstances, and with the fullest co-operation from every class of the community. He was convinced that the effect of the former system was to injure and demoralize the labouring population. With regard to medical relief, he thought that the part of the measure which related to it required much consideration.

Mr. *Maclean* presumed, that regulations made by the Poor-law Commissioners for the guidance of the lately-formed unions did not come within the definition of general rules, because the Act required that, before they could be received as such, they must be submitted to the consideration of the Secretary of State for the Home Department; and afterwards receive the sanction of Parliament. He understood that the paupers were in many instances prevented from attending divine service at their own parish churches. If this were so, he presumed that it must be by some special regulation, as it contravened the principle of the general rules formerly laid down for the Commissioners. He then read an instance where the clergyman of a parish wrote to the Commissioners on this point, and received for answer that they had deemed it requisite, for the better guidance and conduct of the union, that the paupers should be kept within the walls of the workhouse on the Sabbath. Surely there ought to be no difficulty in allowing paupers to attend the parish church? In every union chaplains were appointed for the purpose of performing divine service within it; but there must be considerable difficulty in finding chaplains who were not the resident curates or ministers of the parish, and it would bear extremely hard upon the minister to insist that he should perform three full services in the same day. He could not but regard this practice of interdicting paupers from attending the parish church as in all respects injurious, and militating against those principles of reverence for divine worship which ought to be implanted in the breast of every native of a Christian country. He believed that there was hardly a single case tried at a circuit, in which the judge had not to impress on the mind of the criminal that his crime arose from neglecting, in the first instance, to attend divine worship on the Sabbath. He believed that this circumstance more than any other would tend to excite in the minds of the poorest and virtuous portion of the labouring classes a spirit of disaffection against the Act, and that it would accumulate their grievances to an amount almost intolerable. He could not sit down without expressing his hope that some course would be adopted which would put an end to those exposures which they were now accustomed to witness in courts of justice, and which, in his opinion, tended more than anything else to demoralize the population. Nothing could be more coarse, more disgraceful, more discreditable, than to see a young woman dragged forward in a court to confess her own shame, compelled too to produce somebody to corroborate her own shame, in order that she might extort 1*s.* 6*d.* a week from somebody who might probably, after all, not pay it. Nothing could be more disgusting than such exhibitions, and he believed there was as much open perjury now as there ever was. The consequence of this was, that the courts of justice were crammed with young ladies and gentlemen, whose fancies were of the most prurient and glowing description, who came not to learn what the state of the law was, but to investigate the real state of their neighbours' morals. The hon. Gentleman concluded by saying, that he hoped the noble Lord would consent to grant a commission of inquiry into the working of the present Poor-laws.

Mr. *Harvey* was gratified to observe the attention paid by the House to a motion which had little to recommend it, except that it proposed to inquire into circumstances which deeply affected the feelings and interests of a class who were not directly represented in that House. The noble Lord had observed that the author of the Bill, the noble Lord who was at the time Chancellor of the Exchequer, deserved the confidence and respect of the country for following out a measure which concerned the interests of millions with such singular energy and promptitude. He was sorry to see that the exertions then made had produced such exhaustion in the Government that no more energy was left for anything else; for were but a tithe of the determination and perseverance which had marked their conduct of the measure applied to matters of mere numerical calculation, they would not now find the order book crowded with measures which remained to be considered, partial in their operation, and dubious in their utility. It had been said that the labourers throughout the country were assuming an attitude of moral firmness and virtuous independence which could not be too highly extolled. It was gratifying to find that this was the case, because virtuous independence in the industrious classes was the sure foundation of sound institutions, and the best guarantee of wholesome government. Surely, however, this principle ought to be applied to those who were protected by political power as well as to those who were respected only so far as they might become dangerous from their numbers. Why had the noble Lord and his colleagues so strenuously resisted the efficacious application of this principle, when he brought under the consideration of the House those state paupers who were at the present moment actually deriving a scandalous sustenance from those very persons whose condition the House was now rather considering than commiserating? The hon. Member for Finsbury had suggested that it might be well if hon. Members would have recourse for some time to that dietary course so much extolled when followed in our local prisons, as workhouses were properly characterised. He would make a proposition which would perhaps be more acceptable, inasmuch as it was less personal. Instead of calling on hon. Members to make so dangerous an experiment, he would suggest the propriety of subjecting to this severe regimen all state paupers, whose names could be found on the list of pensioners—a step which would effect a great saving to the state, and the moral influence of which would be extremely advantageous. This debate had spread out too much into generalities, to the prejudice of the main question before the House, which was an inquiry into one of the most important measures that had ever received the impress of legislation. That man would be a bold and rash man who should say that the Poor-law Bill had no merits, but he would be still more rash and unfeeling who should assert that it had no defects. No measure embracing such great interests, and introducing such vast changes, could possibly be perfect. At present many circumstances combined to render its operation pacific, but a time might come when provisions would be dear and labour scarce, and the feelings of the labouring community would be exasperated by their sufferings. If ever that time should come, and the table of the House should be covered with petitions demanding a redress of the labourers wrongs, the manly sense of the House would be appealed to to resist petitions founded on numbers only, and they would be called on to wait for the period when they might deliberate with fairness and tranquillity and legislate with impartiality of feeling and independence of mind. This, then, was surely an auspicious moment; at present a singular sunshine and serenity happily overspread the land, it was only here and there that the voice of discontent was heard, and it appeared that the great measure might fairly undergo inquiry without either the imputation of fear or the apprehension of menace. Why, then, not show the labouring millions that the House had some sympathy for them, why not grant them an inquiry at the commencement of the next Session? This would disperse that mist of prejudice which enveloped the measure of the noble Lord and his Friends—it would reveal the monument of his wisdom pure to the public gaze, and it would enable him to apply to its blemishes those remedies which mature experience and careful reflection would suggest. This motion was recommended on every ground, by wisdom, by kindness, by Parliamentary independence, by just sympathy for the poor. This motion was not brought before them at the instance of petitions signed by thousands, many of whom might not be able to write their own names, emanating from some busy manufactory, and seeking to control them rather by force of numbers than of reason. The petitions came from those who were well acquainted with the working of the measure, who well knew its defects, and whose judgment was not likely to be led away by their interest, since their interest led them to regard it favourably. He had himself presented a petition from the Board of Guardians of the parish of St. George the Martyr, Southwark, who declared that the orders and regulations laid down by the Commissioners were too severe, and so repulsive in their operation to their better feelings, that they could find no security but in violating them. The petition at the same time called the attention of the House to the fact that the Board were not at liberty to give occasional and passing relief to men of industrious habits, who might be for a short time out of employment, though anxious to obtain it. Such a man might apply for relief, and he was told that he could not obtain it unless he entered one of those vast prisons, for prisons was their proper name. He was confined there like a criminal, for the place contained all the elements of punishment—a man could not enter it without fear, nor leave it without reproach. Was the House so luxurious in its notions as to declare poverty to be a crime? It was such treatment as this that galled the feelings of the people. He wished to call particular attention to one provision of this Bill. If a man had a wife and children, the object of his affection, the pledges of his love, he could obtain no relief unless he was thrown with his family into one of those local dungeons. He was accompanied by his wife, but not as his companion—by his children, but not as the objects of his care; when he arrived, he was separated from both. Was this humanity? Was it an illustration of the principles on which the law was said to be founded, the principles of Christianity? Was it not rather an insult to the heart of man? He must protest against the establishment in the Commissioners of a power unknown to the constitution. The present was the favourable season for inquiry. Distress might come, and in this country; from the fluctuations of commerce, we were peculiarly liable to it; if once the giant arm of the people were stretched out, and their nerves strengthened by their sense of wrong, it would be impossible for the House to deliberate with the calmness and impartiality which became them. If no higher motives stimulated them, let them at least, for their own security, consent to grant that inquiry which the people entreated.

Sir *Broke Vere* supported the resolution. Since the house had delegated such extraordinary powers to the Commissioners, he thought they were bound in justice to take care that those powers were not abused. They were at present unacquainted with the rules laid down by the Commissioners for the management of the poor, nor had a copy of those regulations ever been laid on the table, though the Act required that they should be submitted to the consideration of the House. He thought that the Commissioners ought instantly to be called on for an explanation of this part of their conduct. With regard to the attendance of paupers at their own parish church, if this could not be permitted without occasioning irregularity, he thought that a chaplain should be appointed to each union.

Mr. *Villiers* said, that as the only Member who had been one of the Commissioners of Inquiry into the Poor-laws, he wished to address a few words to the House on the question before it. What, he would ask, were the facts of the case? He believed that only two petitions had been presented complaining of the working of the new law. On the other side 277 unions, all voluntarily formed, had surrendered the exclusive privileges which they formerly possessed, and adopted the regulations of the Commissioners. What, then, became of the arguments used by the hon. Member for Southwark, founded on the distress and discontent of the labouring population? The hon. Member for Finsbury had declared his opinion that a satisfactory case had been made out. Now he had rarely heard greater inconsistencies of reasoning than those of the hon. Gentlemen who supported the resolution. The hon. Member for Berkshire objected to any regulations of the Commissioners at all. The hon. Member for Worcester objected not to the rules but to the application of them, while the noble Lord objected to the Bill, and to the discretionary powers granted to the Commissioners, but wished the measure to have a fair trial. Where was the evidence to show that the Bill really bore so hard upon the poor? The hon. Member for Finsbury had lately objected to the evidence brought before the Agricultural Committee, because no labourers were examined. He had always made it a rule to examine persons belonging to the labouring class on every part of the inquiry, and he could venture to assure some hon. Gentlemen that the poor were far more intelligent and better informed on this subject than they believed. A very large portion of them took the same view which honest and intelligent men in general had of the operation of the former system, and saw that the whole was nothing but a cunningly-devised scheme to keep the rate of wages low and to humble and degrade the labourer. They said, we don't want to receive parochial relief, but the farmers give us starving wages, and then tell us that we must go upon the parish. They saw their neighbours receiving relief, and in much better circumstances than themselves, and they had no alternative but to follow the example set them. If this was the case, surely the House ought to look with some distrust upon the statements of men who wished to revert to the old system. The statements of the hon. Member for Finsbury, with regard to the medical relief, were entirely erroneous. The hon, Member had said that formerly the poor were visited by medical men, but that this was not now thecase. The fact was, that the poor had never been allowed to choose their own medical man. Under the old system, surgeons used to contract to supply all the poor of the parish with medical attendance at rates far too low to compensate them, and used to make up for this by charging extravagantly high for attending other persons. What he had wished to see accomplished was, to put an end to parochial jobbing and to the fraudulent practice of degrading the labourer by keeping wages extremely low. Those who wished to raise the wages of the poor and maintain them in comfortable independence, were better friends to them than those who consented to dole out to them a miserable pittance in the shape of parochial relief. The English labourer, in his opinion, was far more likely to be honest and virtuous under the present system; for the surest way to raise the moral character of the labourer was to make him independent. In Sussex, Suffolk, and other counties, the effect of the alteration in the Poor-laws had been to raise wages. Let him not, then, be told that the labourers were not in a much better condition when they had higher wages and lived independent, than when they had low wages and were dependent for part of them on what was doled out to them from the workhouse. He wanted a system of Poor-laws that would raise wages and make the labourers independent; but those who wished to revert to the old system wanted to make the labourer dependent and to lower his wages. They had had experience of the effects of both systems; let those who wished for the latter system vote for the motion of the hon. Member for Berkshire.

Mr. *Brotherton* begged leave to state one or two facts connected with this subject that had come to his own personal knowledge. He must say, however, that he would not presume to offer anyopinion upon the working of the Poor-law Act, he would merely refer to what, in some instances, had been its effects. They all knew the fluctuations to which trade was liable, and that a great number of able-bodied persons might at once be thrown out of employment, and unless the overseers or guardians of the poor had some means of remedying the evils that must in such cases arise, it must occasion great and severe distress. What had been the operation of this Bill in the agricultural districts he was not prepared to say, but in the manufacturing districts it had worked well. That he must confess. Still its operation had been attended with hardship. He had opposed the Bill when it was passing through that House, on account of the fears he entertained with regard to the effects it was likely to have in the manufacturing districts. He thought now that some alterations might be made with regard to the separating husband from wife, and the parent from his children; and also with regard to the in-door paupers being allowed to attend places of worship. At the same time he was bound to say, that these practices had not originated with the Poor-law Commissioners. He was aware that they had been partially practised before this Bill was introduced, but not to so great an extent. He might, perhaps, entertain a warmer feeling of humanity towards the poor, in consequence of his being more particularly connected with the labouring classes than many other hon. Members. He might be better acquainted with their feelings and wishes. He recollected, when he was overseer, twenty years ago, an old man and his wife were ordered to be separated from each other. They applied to him, and he recollected well the old man saying "I and my old woman have been living together these fifty years, and I would rather suffer death than be separated from her." There was another circumstance also which he recollected. When the new Poor-law Bill was first passed into law a poor woman called upon him to request his interference with the overseers in order to obtain for her mother 1*s*. a-week to enable her to live with her daughter, and not go to the workhouse. She was anxious that her mother should remain with her, but unless this shilling was continued, she stated that she should be unable to support her aged mother. On another occasion a number of persons came to him; one of them, an old man, stated that he had been in the habit of attending the parish church for thirty years, and that he had applied for permission to attend there, but was not permitted; and another old man said, that he had been a member of a certain dissenting congregation for the last thirty-five years,—that he dissented from the principles preached by the chaplain of the workhouse,—that he had applied for permission to attend his own place of worship, but was not allowed to do so. These facts had made a deep impression on his mind, and he hoped that they would make an impression on the House. The rules of the Poor-law Commissioners would, if carried into operation strictly, have an effect on the poor which it was not desirable they should have. He had been anxious to state these facts; he had thought of them with regret at the time, as they were in many instances revolting to human nature. He hoped that not another year would be suffered to elapse without some alteration taking place. He hoped that the matter would be taken into early and serious consideration, and that the required alteration would take place.

Mr. *Plumptre* had, during the last year, attended a union in his neighbourhood, and but for this long and tedious Session, would be attending it this year. He could testify, as far as his own observations enabled him to do so, that the Poor-law Act had operated very beneficially. He agreed with the hon. Member for Berkshire that the reduction of poor-rates was a matter of minor consideration. He believed, however, that a reduction of poor-rates had been effected to a very considerable extent—to the amount of fifty per cent. Still he allowed that this was a matter of minor consideration. The Bill had worked well in those districts in which a feeling and considerate man must wish to see it work well. He believed that it was considered to work well in the opinion of the people themselves. It could not but be expected, that in a bill by which so great a change was to be effected from the old system some places would feel it with greater severity than others. No one could more deeply regret than he regretted that such should be the case, but he believed that in general the Bill had worked well. It worked well, inasmuch as it was gradually raising up in the people a better and more independent feeling, and it was doing away with that perpetual drain which, under the old system, was not gradually consuming, but devouring the country. The present system encouraged those feelings amongst the population which he was desirous to see encouraged. He knew this to be a fact—that when, before these alterations, the parent had been negligent of his children, and the children of their parent, that under the present operation of the law the parent was taking care of his children, and the children of their parent. The workhouses were not intended to be nurseries of idleness and luxury—

they were intended rather as places to be avoided, and this was what he wished to see established. With regard to diet, he could say, that it was, in the union he was acquainted with, very good, and in many cases the portion that was allowed was found to be more than sufficient. With respect to the rule of the Poor-law Commissioners, which prevented paupers from attending divine worship, he was ready to acknowledge that if there could be some relaxation in this particular point, he was prepared to adopt it. The preventing old persons, who had been accustomed to engage in public worship in some particular place, and who felt that they were so engaged not more from desire than from duty—the debarring such persons from going out of the house to attend such places of public worship was a great hardship, and if the rule could be relaxed it was greatly to be desired. If the parties abused their privileges, those who were guilty of such abuse might be punished by being checked from the exercise of such privilege for a certain time. They could not expect to see immediately all the good accomplished by this Act which they all wished to see, but he believed that they might expect, that in a very little time the present Bill would lead to that desirable end; and he had reason to believe, that the poor themselves acknowledge that the present system was raising up among them a spirit of independence, and a desire to maintain themselves, which did not exist under the old system.

Colonel *Sibthorp* felt such strong objections to the Poor-law Act altogether, that he conceived he was only discharging his duty in voting for the motion of the hon. Member for Berkshire.

Mr. *Arthur Trevor* felt it his duty to give his support to the motion of the hon. Member for Berkshire. There was a great deal in the Poor-law Act that was a gross infringement on the liberties of Englishmen, and degrading to their feelings and character. Various cases had come to his personal knowledge of great hardship and oppression, which loudly called for inquiry. He should not feel that he was discharging the first duty that every Member of that House owed to the poor if he did not support the motion of the hon. Member for Berkshire.

Mr. *Richards* denied, that the present system of Poor-laws tended to raise wages or to make the labourer independent.

Mr. *George F. Young* was not about to enter into any details on this subject; he merely rose to ask what was intended by the charge brought forward by the hon. Member for Wolverhampton against those who, like him, intended to support the proposition of the hon. Member for Berkshire? The hon. Member said, that they were actuated by a desire to lower the rate of wages, and to restore the abuses of the old system. He, for his own part, utterly repudiated this charge. He wished to call the attention of the House to a fact that struck him as remarkable, and which had not been referred to by the noble Lord, the Secretary of State for the Home Department. The noble Lord had stated, that there had been a diminution in the sum expended in the relief of the poor in the years 1835 and 1836 of 1,500,000*l*. The difference between the two years was not less than 1,500,000*l*. He had, since he had heard the noble Lord, gone into the library, and he found, by the returns, that the amount expended in 1832 was 8,683,461*l*., and in 1833 the amount was 6,798,880*l*. By this it appeared, that before the Poor-law Amendment Act had passed, there had been a diminution of 1,800,000*l*. in the amount expended in the relief of the poor, and he therefore thought it rather too much to ascribe this progressive diminution to the circumstance of the passing of the Poor-law Amendment Act. The noble Lord, the Secretary of State for the Home Department, in reply to a question put by the hon. Member for Berkshire, stated, that the 17th section of the Poor-law Act required the Commissioners to lay before the House, within a week after the commencement of the Session, a copy of any general rule that might have been made by them. Now, if any general rules had been made, it appeared very extraordinary—at all events, if any had been made, the House had a right to know why the requisition of the Act itself had not been complied with.

Mr. *Villiers* had made no imputations he had only stated the effect of hon. Members' votes.

The House divided on the original question: Ayes 82; Noes 46—Majority 36.

List of the Ayes.

Adam, Sir Charles
Aglionby, H. A.
Bagshaw, John
Baines, Edward
Baldwin, Dr.
Ball, N.
Baring, F. T.
Barnard, E. G.
Bellew, Rich. M.
Berkeley, hon. F.

Bernal, Ralph
Bewes, T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brabazon, Sir W.
Brodie, William B.
Buller, Charles
Burdon, W.
Butler, hon. Pierce
Campbell, Sir J.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chichester, J. P. B.
Collier, John
Cowper, hon. W. F.
Crawford, W.
Cripps, Joseph
Dalmeny, Lord
Divett, E.
Donkin, Sir R.
Etwall, R.
Ewart, W.
Folkes, Sir W.
Forster, Charles S.
Halford, H.
Harland, W. Charles
Hawes, Benjamin
Hawkins, J. H.
Heathcoat, John
Hector, C. J.
Hobhouse, Sir J. C.
Horsman, Edward
Howard, P. H.
Howick, Lord
Hume, J.
Hutt, William
Labouchere, H.
Lefevre, Charles S.
Lennard, Thomas B.
Lennox, Lord A.
Lushington, Dr. S.
Lynch, A. H. S.
Mangles, J.
Morrison, J.
North, Frederick
Parnell, Sir H.
Parrott, Jasper
Pinney, William
Plumptre, John P.
Poulter, J. S.
Power, James
Pryme, George
Rickford, W.
Rolfe, Sir R. M.
Russell, Lord J.
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Steuart, R.
Strickland, Sir Geo.
Talbot, J. H.
Tancred, H. W.
Thomson, C. P.
Thornley, T.
Troubridge, Sir E. T.
Villiers, C. P.
Warburton, Henry
Ward, H. G.
Williams, W. A.
Wilson, Henry
Wood, C.

TELLERS.

Stanley, E. J.
O'Ferrall, R. M.

List of the NOES.

Attwood, T.
Bainbridge, E. T.
Beresford, Sir J. P.
Blackstone, W. S.
Blunt, Sir C.
Boldero, Henry G.
Bonham, R. F.
Brotherton, J.
Brownrigg, J. S.
Dennistoun, Alex.
Dick, Quintin
Dunbar, George
Duncombe, T. S.
Eaton, Richard J.
Elley, Sir J.
Fielden, J.
Forbes, Wm.
Freshfield, James W.
Gladstone, Thomas
Hardy, J.
Hawkes, Thomas
Hindley, C.
Hodges, Thos. Law
Humphery, John
Hurst, R. H.
Kemp, T. R.
Maclean, D.
Maunsell, T. P.
Morgan, Chas. M. R.
Palmer, George
Polhill, Frederick
Richards, R.
Richards, John
Rushbrooke, Col.
Ruthven, E.
Sibthorp, Colonel
Stuart, Lord Dudley
Thompson, Col. T. P.
Trevor, Hon. Arthur
Vere, Sir C. B. bart.
Wakley, Thomas
Whalley, Sir S.
Williams, William
Winnington, Sir T.
Wodehouse, E.
Young, G. F.

TELLERS.

Walter, John
Harvey, D. W.

BRITISH FORCS IN SPAIN. Order of the Day again moved, for the House to resolve itself into a Committee on the Customs Bill.

Captain *Boldero* rose to put a question to he noble Lord, the Secretary of State for Foreign Affairs. He wished to know whether his Majesty's Royal Marines, acting under Lord John Hay, in the service of the Queen of Spain, had been recalled from that service? He wished to know, also, whether any of them had been taken prisoners, and if so, whether they were liable to the decree of Don Carlos—a decree so contrary to the laws of nations, to the usages of warfare, and to all the feelings of humanity? It would be recollected that this decree was in existence before the British marines were sent out. He should feel obliged to the noble Lord if he would answer this question.

Mr. *Charles Wood* thought, that the question might more properly be directed to him. He had no hesitation in saying, that no orders had been sent out to withdraw those marines that were attached to the squadron under the command of Lord John Hay. With regard to the executions that had been committed by the order of Don Carlos, the hon. and gallant Member had justly described them as contrary to the laws of nations, and contrary to all the feelings of humanity; but it was impossible for him to say what had passed under those orders. He was happy to be able to say, that as far as the British marines were concerned, not one of them had suffered this most outrageous and atrocious usage.

Mr. *Maclean*, in moving for the papers mentioned in his notice of motion, wished likewise to ask a question—namely, whether it was not usual, in all cases where the King's troops were engaged in a casualty or accident, that there appeared a bulletin or official *Gazette*, and whether there was any case within recollection where the King's troops had met with so disastrous an issue as in Fontarabia—whether it was not the invariable case, for the satisfaction of the minds of individuals, and of the country, which felt a deep interest in the lives of those engaged in such conflicts, that there should be some official notice taken of any accident or casualty that occurred?

Mr. *Charles Wood* could not suppose that the hon. and learned Member was anxious for the papers he had mentioned; for, although he had given notice of his intention to move for them two nights running, the hon. Member had never attended in his place to make his threatened motion. That the papers the hon. Member had moved for were not laid on the table of the House was not his fault; he had had them, ever since the notice of motion, in his possession, and was ready to lay them on the table of the House, as soon as the motion was made. With regard to the question of the hon. and learned Member, he could inform him that it was not usual in all the actions in which part of the naval forces of this country had been engaged—it was not at least without exception, that all the despatches should be laid on the table of that House; it was not usual on all occasions. With respect to the present motion, so far from feeling the slightest objection to lay the papers before the House, he was only waiting to lay them on the table. He would take that opportunity of saying, with regard to the proceedings which the hon. and learned Member had alluded to as disastrous, they appeared to him, from the explanations he had received with respect to the military positions that had been taken, to be perfectly satisfactory. He was far from wishing to withhold any information which the House might wish for, and let the hon. and learned Gentleman only make his motion, and he should have the despatches that had been received from Lord J. Hay on the subject of the proceedings that were carried on in the north of Spain subsequent to the date of his notice, in order that the House might have full information of all the proceedings that had taken place.

Mr. *Maclean* was sure that the House would indulge him for a few moments, after the manner in which he had been alluded to. He thought that he had a fair right to complain of the statement of the hon. Gentleman. He understood from the hon. Gentleman, that he should be put in possession of the returns he was anxious to obtain, and that he should thus be saved the trouble of moving for them. After the hon. Gentleman had acceded to his request in part, it was too much to say, that the hon. Gentleman had been waiting for his motion. The hon. Gentleman had given him all that he required, except what was not absolutely necessary, and for that portion which was refused he was left to make a motion in order to obtain them. The hon. Gentleman knew perfectly well that, as orders of the day took precedence of motions, he should never have an opportunity of making his motion in the present state of the business of the House. He must complain also of the hon. Gentleman not giving a distinct answer to his question. He did not ask whether it was usual in all cases in which the King's armies had been engaged, that there should be laid on the table of that House, a return of the killed and wounded, but what he did ask was this—whether it was not usual, whenever the King's armies were engaged, and when the King's subjects suffered loss of limb or of life, either through casualty or accident, whether it was not invariably the custom that some official notice or *Gazette* should be published, in order that the minds of those persons who were attached to the sufferers from consanguinity or affection, or the country which took an interest in them, from the effect of their being members of the community, might be relieved from that anxiety which ought not to be continued longer than was absolutely necessary.

Mr. *Charles Wood* was sorry to be obliged to trespass on the time of the House. The hon. and learned Member's motion stood for the 26th of July. On that day, on going into the orders of the day, the hon. and learned Member took that opportunity of asking, which was somewhat irregular, whether he (Mr. Wood) was prepared to accede to his motion, and to produce the returns he had given notice he would move for: this in itself was very irregular. He told the hon. and learned Member, that there was a certain part of his motion to which he could not accede, but that he was prepared to give one-half of the papers moved for. No motion was then made on the subject. He found by the notice-paper that the motion was postponed till the 26th of July: the hon. and learned Member, however, had not made his motion. With regard to the question, whether it was usual in all cases to publish a return of the killed and wounded, he would reply most distinctly not. It was not usual on all occasions. It was usual on all great occasions that they should have a list of the killed and wounded. He could, however, repeat, that he had not the slightest objection to publish the return in the present instance. There was the list, and if the hon. and learned Member would only alter the words of his motion, he was ready to lay it upon the table of the House.

The *Speaker* said, that the proper course would be to make the motion at the end of the business.

Subject postponed.

CUSTOMS BILL.] The House went into Committee on the Customs Bill.

Mr. *Poulett Thomson* would avail himself of that opportunity to make a statement of the alterations which he intended to propose in the existing custom duties. Owing to the state of the revenue, he was happy to state to the House, that he should be able to relieve a class of articles, which he had long been anxious to relieve, from the oppressive duties to which they were at present liable. He would commence with the article of spices. After the best consideration which he could give to the subject, he found that there were four articles of spices on which an alteration of the duties was particularly desirable. These articles were pepper, pimento, cloves, and mace. The duty on pepper was at present 1*s.* a pound. Its price in bond was 4*d.* per pound. He proposed to reduce the duty to 6*d.* a pound. By the reduction of duty on this condiment, he expected that the consumption would be greatly increased, and consequently that the revenue would not be much diminished. The reduction would also effect another advantage to the public—it would put a stop to the adulteration which was carried on at present in the article. The amount of revenue derived from the duty on spices was 100,000*l.* By this reduction, he did not expect to lose more than 25,000*l.* He should also make a reduction in the duty on pimento. That article was nearly equal in price to pepper; it was 5*d.* a pound in bond. The duty on it was now 5*d.* a pound; he proposed to reduce it to 3*d.* a pound. Pimento would then fall to its real value; for, by this alteration, the duty on pimento would be in the same proportion to its real value as the duty on pepper was to its real value. The present duty on cloves was 9*d.*; he proposed to reduce it to 6*d.*; an alteration which would bring the spice duties down to their proper scale. There were also several other articles which he would put into the hands of the Chairman, and on which he intended to propose a reduction. They were, perhaps, of small importance individually, but they were, nevertheless, calculated to give great relief to the commerce of the country. Great complaints had often been made of the heavy duties imposed on foreign maps and charts introduced into this country. He proposed to put maps and charts upon the same footing as prints, and to make them pay as prints did, a duty of 1*d.* a-piece. He was obliged in his statement to pass very rapidly from one subject to another; and his transitions might, in some instances, appear rather ridiculous. He proposed, for instance, to reduce the duty on castor oil. Gentlemen might laugh at that; but they ought to recollect that castor oil was used for other purposes besides those of medicine. The duty on castor oil was 1*s.* 6*d.* or 2*s.* a pound. That duty might all be very well, so long as castor oil was only used as a medicine; but it was now used to a considerable extent in our manufactories as a substitute for olive oil and for palm oil. He had made some years ago an alteration in the duties levied upon this oil, the produce of our own foreign possessions. It turned out, however, that a very small quantity of oil came to this country from our own possessions. There were, however, several islands in the Indian Archipelago, in which it was produced in large quantities. He therefore intended to propose, that there should be a reduction in the duty on castor oil imported generally from the East. He intended to make the duty 1*s.* 3*d.* a cwt., instead of being, as at present, 1*s.* 6*d.* a pound. The next alteration he intended to propose, was a reduction of the duty on gold and silver plate imported into the country. There was at present a duty on silver plate imported into this country, equal to the value of the silver itself. He did not intend to take off the duty generally, but he did intend to reduce it in a great degree to all persons who introduced the plate for their own private use. Almost every day numerous applications were received at the Treasury, from persons returning from a residence either on the continent or in the colonies, for a remission of duty on articles of foreign plate, to which they had become attached from long usage. For, at present, they could not import their plate without either paying a duty on it equal to its value, or having it battered up and rendered unfit for use. No one could wish for the continuance of such a tax. He therefore proposed to admit silver plate for the private use of the parties importing it, at 2*s.* 6*d.* per ounce. He would also reduce the duty on gold plate so imported, from 3*l.* 16*s.* an ounce to 1*l.* He also proposed to reduce the duty on rags, and especially on those woollen rags which were afterwards used in the formation of a certain species of rough cloth. Those woollen rags paid at present a high rate of duty. They came into the country as woollen goods, and paid a duty of fifteen per cent. on their value. He intended to fix a duty on them of 1*s.* a ton. There were one or two other reductions which he also wished to propose. He proposed to reduce the duty on the finer species of woods used in cabinet making, as, for instance, cedar and rosewood. Some of his hon. Friends near him knew, that there was a favourable distinction made, in point of duty, upon wood imported from British possessions in Africa. There was some difficulty in ascertaining what were British possessions in that part of the world. He therefore proposed to extend the distinction to all wood coming to this country from the coast of Africa. He thought that we ought to encourage, as much as possible, importation from that coast, inasmuch as the countries bordering upon it must take from us manufactured goods in return. It was well known that certain lower duties were paid on woods imported from the British possessions in Africa. Some of the difficulties which arose out of that distinction, he had been able to remedy without application to Parliament; but there were some of which he could not get rid without the assistance of the Legislature. On such articles, then, as teak and wax, he proposed to do away with the distinction altogether, and to allow them to come in at the lower duties when imported from the coast of Africa. There was only one more article on which he intended to propose an alteration of duty, and that was verdigris. Attempts had been frequently made to establish manufactories of verdigris in this country, but they had almost all of them failed. He believed that there was only one manufactory of the kind left in England, and he had some reason to believe, that even that solitary manufactory would not be continued much longer. In point of fact, we did not possess the means; we had not the raw material of which verdigris was made. It had been pressed upon him by those who dealt in the article, that he ought to reduce the duty on verdigris from 1*s.* to 6*d.* His hon. Friend, the Member for Kilmarnock, had a notice of motion upon that article in the order book. His hon. Friend wished to reduce the duty to 3*d.* To that proposition he could not accede; but he had no objection to reduce it to 6*d.*, which he thought might do as a reduction of duty for the present. Having stated thus much, he was now anxious to state to the Committee what the effect of reductions of the nature which he proposed, would be, not only upon the revenue, but also upon the general trade and commerce of the country. To some hon. Gentlemen it might appear ridiculous to speak of these small items of reduction. He hoped, however, that they would exempt from their ridicule the article of spices, which formed a considerable portion of the public revenue. As it had been his fate, however, to introduce several of these small reductions into former Customs' Bills, and as they still appeared to be trifling to the House, he hoped that they would indulge him with their attention for a few minutes, while he showed to them how much had been done, almost without injury to the revenue, to relieve the trade and commerce of the country by paying attention to articles of this kind. He would just state to the House what was the estimated, and what was the actual loss to the revenue on a certain number of articles, which he had no occasion then to enumerate; and on which he had effected a reduction of duty in the years 1832, 1833, and 1834. The estimated loss was 411,000*l.*, but the actual loss in the last year was not more than 240,000*l.* Instead, therefore, of being a total loss, as might have been supposed, it was only a loss of sixty per cent. In the year 1832, he had reduced the duty on verdigris from 2*s.* to 1*s.* The estimated loss to the revenue was 2,250*l.* The actual loss was only 380*l.* Again, he had reduced the duty on cocoa from 6*d.* to 2*d.* The estimated loss to the revenue was 10,000*l.*, the actual loss was only 5,000*l.* He had effected a reduction in the duty on madder root. The estimated loss to the revenue was 14,500*l.*, the actual loss was not more than 7,300*l.* On currants and raisins he had effected a considerable reduction of duty. The estimated loss to the revenue was 200,000*l.*, the actual loss did not exceed 130,000*l.* In that case, by a reduction of the duty to one-half of its former amount, the actual loss had been only two-thirds of the amount at which it was estimated. He calculated that it would be still less in future years. He mentioned these facts to show the House how much could be accomplished for the general relief of trade and commerce by a cautious reduction of these duties. Whoever might hereafter fill the situation which he had the honour to hold, would, he hoped, follow up the course which he had pursued with so much benefit to the trade, and with so little injury to the revenue of the country.

Dr. *Bowring* eulogised the liberal system of commercial policy which his right hon. Friend, the President of the Board of Trade, had adopted, and hoped that by a steady adherence to it our law of customs might be reduced before long to a very short compass. He thanked his right hon. Friend for the reductions he had made, and predicted that they would be generally satisfactory to the country.

Mr. *Ewart* rejoiced in the reductions which the right hon. Gentleman had made, but regretted that he had not made a reduction in the duty on Neapolitan olive oil. That reduction would have been a boon of very great importance to the manufacturing interests of the country.

Clauses of the Bill agreed to.—House resumed. Bill to be reported.

COMMUTATION OF TITHE (ENGLAND)]. Lord J. Russell moved the consideration of the Lords' Amendments on the Tithes Commutation Bill.

Mr. *Lennard* objected to the first amendment. He thought it most unjust for the Church to have a power of appointing one of the three arbitrators, whilst it controlled and influenced the others. He trusted that the House would reject this amendment.

Lord *J. Russell* did not think this an amendment of any great importance or so objectionable, or that any unfair advantage had been taken. The Bill originally stood as the Lords had amended it.

Mr. *Lennard* would not press his objection.

Amendment agreed to.

On the clause providing the form of a declaration to be made under the Bill being proposed,

Mr. *Curteis* complained of an alteration having been made, by inserting an oath instead of a declaration. The clause had originally been agreed to in this House, and after the determination to which it had come with respect to oaths, he thought this alteration ought not to be agreed to merely to please persons in another place.

Mr. *Hume* concurred with the hon. Member for Sussex, and hoped he would take the sense of the House upon it.

Lord *J. Russell* thought the alteration not of such consequence as to call for a division. He owned, however, he very much preferred a declaration to an oath.

Mr. *Hume* hoped they should have the noble Lord's vote.

The *Attorney-General* thought the objection was quite unfounded. The oath was merely a promissory one for the proper performance of certain duties.

The House divided on the question that the Lords' amendment be agreed to:—Ayes 82; Noes 30: Majority 52.

On the amendment to Clause 41, omitting a proviso relative to hop-gardens,

Mr. Curteis moved that the amendment be rejected.

The House divided on the original question:—Ayes 67; Noes 19: Majority 48.

Lords' amendment agreed to.

On the amendment to Clause 84, which gave a tithe on cows fed in stalls or sheds,

Mr. *Thomas Duncombe* objected to the amendment of the Lords. This tithe, he observed, would fall chiefly on the poor; and he thought that the clergy, having got so great a benefit by the Bill as that of a certain fixed sum for what was before uncertain, they ought not to claim a tithe of this kind.

Lord *John Russell* admitted that the amendment of the Lords made in this respect a vexatious charge, but the difficulty he had was this—that the stable or shed in which the cows were kept would have rent-charge placed on it if the tithe on the cows was not admitted.

Mr. *Benett* said, that the tithe on cows thus kept would be most unjust, as they were fed on articles which had already paid tithe. He remembered a claim of the kind having been made about thirty years ago, in Hertford, and brought to a trial, and the jury gave it against the claim, on the ground that the cows were fed on articles which had already paid tithe.

Amendment disagreed to.

Some other amendments of the Lords were agreed to, and a Committee appointed to draw up reasons for disagreeing with some of the Lords' amendments.

EXECUTION OF CRIMINALS BILL.] Mr. *Aglionby* wished to put a question to the noble Lord. He wanted to know what time was necessary after the passing of an Act to have the judges take official notice of it. A Bill had passed both Houses, giving the judges the power to delay the execution of persons convicted of murder longer than the forty-eight hours which heretofore were only allowed, to pass between conviction and execution. The Bill received the Royal Assent on the 13th of July, and on that day a man was sentenced to death at Winchester, and the sentence was executed on the 15th. It might have been that the judge did not know of the passing of the Act, but he thought there was time enough to have the information conveyed to him. There were since then, on the 21st of July, two men hanged at Clonmel, but the notice of the passing of the Act might have reached the judge on the 17th. He wanted to know what was the cause of the delay, and at what time a judge was bound to know of the passing of the Act? Was he to wait till it was printed and promulgated?

The *Attorney-General* said, he took some blame to himself for not having seen, as it was his duty, that the Act should come into force at a fixed time after it passed, and not, as was the case in this instance, that it should be in force on the day it passed.

Mr. *Hume* said, if there was any delay in the printing of the Bill, it arose out of the system of giving the monopoly of printing to one party.

Mr. *Aglionby* said, the Attorney-General might take what blame he pleased to himself on the occasion, but it was his intention, in framing the Bill, that it should be in force from the time of its passing, and he thought the judges might have taken notice of it even before it was printed.

Lord *John Russell* said, that the judge who, on the 13th of July, had sentenced a man to execution on the 15th, acted according to the law as it then stood. He was not aware, until the Bill was printed, that it was to take effect immediately, but as soon as he knew that it was, he directed the Under-Secretary for the Home Department to forward copies of it to the judges.

COURT OF CHANCERY (IRELAND).] Lord Morpeth moved that the House should resolve itself into Committee on the Court of Chancery (Ireland) Bill.

Colonel *Perceval,* before the Speaker left the chair, begged leave to present a petition from Mr. Fenton, one of the examiners-in-chief of the Court of Chancery in Ireland, praying for compensation.

The House went into Committee.

Mr. *Shaw* could not, even at that late hour, avoid bearing his testimony in favour of the Bill then under consideration. He took a particular interest in the subject, from the circumstance of his having some Sessions ago introduced a Bill himself with a view to stimulate the reforms, some of which had since been accomplished, and others, including those provided by the present measure, were now in process of being accomplished. It was particularly gratifying to him to have it in his power to state that the Lord Chancellor of Ireland now perfectly concurred with the Master of the Rolls, in giving effect to those general orders referred to in the Chancery Act, in respect of which he (Mr. Shaw) had, on a former occasion, been disposed to make some complaint. So far from the present measure being one of favouritism or partiality, he was perfectly satisfied that it had been prepared by the two eminent judges to whom he had alluded, with a single view to the public good, and to diminish the expenses of the suitors of the Court over which they presided. Though Gentlemen unacquainted with the technicalities of a court of equity might not easily understand the details of the Bill, nor their immediate object, yet he believed that he was safe in assuring them of a fact which would be perfectly intelligible to them all. That the result of the system of reform which was then in progress in the Irish Court of Chancery, and of which that Bill formed a part, would be a saving to the suitors of that court of about two-thirds of the former expenses of an equity suit. Under these circumstances, he confessed that he would be very reluctant, and he hoped that the House would participate in the sentiment, to interfere with the details of a measure that had been prepared with much care, and in the spirit he had mentioned, by persons above all others the most competent to judge of its practical working.

The Clauses to the 5th were agreed to.

On Clause 5—Clerk of Affidavits to compare and attest copies of affidavits.

Colonel *Perceval* believed that this was the clause which appointed two new officers —one to attend in the Court of Chancery, the other in the Rolls Court. He begged to know why this new practice was to be introduced?

Mr. *O'Loghlen* said, the Bill abolished the office of Six Clerks altogether, and substituted these two readers in their place. The suitors of the court would, by the contemplated arrangements, be saved upwards of 20,000*l.* a-year. The Bill was brought in under the sanction of the Chancellor and the Master of the Rolls.

Colonel *Perceval* had no objection to the suitors being saved 20,000*l.* a-year, and had no doubt but that a saving of 30,000*l.* a-year might be effected. With regard to those two readers, it was not thought necessary to create such offices in England. Here the solicitors read the pleadings; and he saw no reason why a similar practice should not be pursued in Ireland. Whether the education of the solicitors in that country was such as to preclude them from being able to read the pleadings in court, he would leave the right hon. the Attorney-General for Ireland to answer; but in his opinion, the offices were useless, and if they were not created, an additional saving of 2,000*l.* a-year to the suitors would be effected. He had heard much of equalizing the system in the two countries; he had no objection to such a course, but he wished it to be extended so as to do justice to all.

Mr. *O'Loghlen* said, that the hon. Member for Sligo was misinformed. There were two readers in the English Court of Chancery.

Colonel *Perceval* made no objection to a reform of the Court of Chancery. On the contrary, his objection was, that it did not go far enough. The examiner of the Court of Chancery had most important functions to perform. It was before him that all the evidence was given—the evidence was given in private—and it must be borne in mind, that upon evidence so taken the most important decisions with respect to property were based. A person filling such a situation ought therefore to be placed beyond the possibility of being bribed to alter the evidence, and trustworthy persons could scarcely be expected to leave a lucrative profession and accept one of these offices unless he were adequately remunerated. The very Act under consideration made it impossible for any officer of the Court of Chancery to act as a solicitor, and under these circumstances he felt convinced, that the Committee would not consider 500*l.* a year an adequate remuneration, particularly in the case of Mr. Fenton, who had given 5,000*l.* for the office. By the returns on the table of the House it appeared that Mr. Fenton's emoluments, in the years 1831, 32, and 33, averaged 1,000*l.* a year, and they do not now amount to half that sum. By this Bill the registrar of the Chancellor was to receive 2,000*l.* a year; his assistant was also to receive a large salary, and the Bill created other offices, at salaries of 1,000*l.* a year. After the clause respecting the registrars had been disposed of, it was his (Colonel Perceval's) intention to propose a clause giving to the examiners-in-chief the sum of 1,000*l.* a year each. Having been taxed with acting capriciously on a former night, he felt it due to himself to state, that he had waited on the Lord Chancellor, and stated to him the nature of the clause he intended to submit. His right hon. Friend, the Member for the University of Dublin (Mr. Lefroy), not then in his place, had drawn up a clause transferring the duties at present performed by the clerks of the Masters in Chancery to the examiners. The clerks of the Masters in Chancery received three guineas for doing that for which the examiners would only receive 7*s.* 6*d.*, provided the duties were transferred to them. By this means a great saving would arise to the suitors; and his right hon. Friend (Mr. Lefroy) informed him, that the Lord Chancellor made no objection to the clause—but it was afterwards opposed by the right hon. the Attorney-General for Ireland. One of the objections urged to the clause which he meant to propose at the proper time was, that the Lords of the Treasury were not disposed to give their consent, as the consolidated fund would be saddled with the amount of compensation. Now he (Col. Perceval) would undertake, on the part of the examiners, that no charge should be made upon the consolidated fund. If the suitors' fee-fund were not sufficient to answer the claims upon it, the examiners would be content not to apply to the treasury at all. Having, he trusted, convinced every unprejudiced person, that the claims of the examiners were founded in justice, he should submit his clause to the consideration, and he hoped for the acceptance, of the Committee.

Clause agreed to.

On Clause 11—New establishment of the Registrar's office,

Colonel *Perceval* said, the principle of the present Bill was a just and proper one, namely, granting the offices by seniority.

Mr. *O'Loghlen* said, that the registrar of deeds had nothing to do with this Bill. The present was a Bill to abolish certain offices connected with the Court of Chancery, and to provide for the performance of the duties thereof. With respect to Mr. Long, that gentleman arrived in Ireland with Sir A. Harte, a perfect stranger, but he gave such satisfaction to both branches of the profession, that when a vacancy occurred in the registry of deeds office, a memorial, signed most numerously, was presented to the right hon. Baronet, the Member for Tamworth, at that time at the head of the Government, praying the appointment for Mr. Long, and that right hon. Baronet, greatly to his credit, conferred it upon him.

Colonel *Perceval* said, that no man had better claims for promotion than Mr. Long, and he rejoiced that he had been taken care of. He mentioned this, lest it might for a moment be supposed, that he cast the slightest reflection on the character of Mr. Long. The question he had put, however, was not answered by the right hon. and learned Gentleman, and he should now repeat it. He begged to ask the noble Lord, the Secretary for Ireland, whether, in appointing a successor to Mr. Long, the fair and equitable principle laid down in this Bill, of appointing by seniority, would be adhered to?

Lord *Morpeth* said, that an Act of Parliament vested the appointment in the Crown, and he saw no reason why the privilege should not be exercised agreeably to that Act.

Clause agreed to.

On Clause 32,

Colonel *Perceval* said, he believed the present was the proper time to propose the clause of which he had given notice. He did not see what solid objection could be urged against it. The Lord Chancellor of Ireland had encouraged him (Colonel Perceval) to press the clause, and that noble Lord stated, that if rejected on the present occasion, it might be made the groundwork of future legislation.

The clause was then read. It provided, that in the event of the fees, &c., received by the examiners not amounting to 1,000*l.* a year, the deficiency was to be made good out of the suitors' fee-fund.

Mr. *O'Loghlen* said, that if he could, consistently with his duty, sanction the passing of a clause which secured to the examiners a salary of 1,000*l.* a-year, he should most cheerfully do so; but, under all the circumstances of the case, he felt bound to resist it. Mr. Fenton's was certainly a peculiar case; he had been eighteen years in the office, and had given 5,000*l.* for the situation; but as for the other examiner, he had been only recently appointed, and had no claims whatever. In 1834 an Act passed, enabling the Chancellor and Master of the Rolls to make new rules for the regulation of the court, and if Mr. Fenton's fees were diminished, he was entitled to compensation under that Act. The present Act did not interfere with his office one way or the other, and therefore the hon. Member for Sligo was quite wrong in pressing the introduction of such a clause into the Bill. He did not wish to say anything harsh of Mr. Fenton; but the principal reason why the fees had fallen off was, that he had been in the habit of receiving fees to which, strictly speaking, he was not entitled. He would not say that Mr. Fenton had done so from an improper motive, but he had formed an erroneous opinion of what his rights really were. The Acts of the 4th and 5th of William 4th provided for the compensation of all persons suffering for a loss of fees; and he (Mr. O'Loghlen) must therefore oppose the introduction of the clause into the Bill.

Mr. *Shaw* would say in the Committee, as he had to the gentleman in whose behalf the clause was moved, and for whom he (Mr. Shaw) had a personal regard, that if he had communicated to him on the subject in Ireland, and thereby afforded him an opportunity of full inquiry into it, he should have been happy to have afforded him any assistance in his power, consistent with the general object of the measure; but he would not now venture to support an alteration in so important a Bill without knowing what might be its effect. He would recommend his hon. and gallant Friend not to press the clause, but having introduced the subject to let it lie over for another Session, and if in the mean time it appeared that such an alteration in the examiner's office would be desirable, and form a part of the system of reform now working in the court, he (Mr. Shaw) would in that case be happy to give the object his support.

Colonel *Perceval* said, that he felt the injustice committed on Mr. Fenton to be so great, that he must take the sense of the Committee upon the clause.

Clause negatived.

House resumed. Bill to be reported.

HOUSE OF LORDS,

Tuesday, August 2, 1836.

MINUTES.] Bills. Read a third time:—Admiralty Jurisdiction (Prince of Wales Island); Paper Duties; Church Discipline; Read a second time:—Grand Juries (Ireland); Copyright (Ireland); Bills of Exchange; Oyster Fisheries.

Petitions Presented. By the Earl of RIPON, from Louth, that the Free School may be subjected to the Provisions of the Charitable Trustees Bill, and for the Repeal of Clause 136 of the Municipal Act.—By Lords STRAFFORD and REDESDALE, from Poole, against Poole Corporation Bill.

POOLE CORPORATION.] The Duke of *Richmond* said, he rose to move the second reading of the Bill for authorising the re-election of a mayor and other municipal officers in the borough of Poole. The noble Duke briefly adverted to the circumstances which had given rise to the Bill. It had been proved before a Committee of the House of Commons, that the election of mayor and aldermen which had taken place under the Municipal Reform Act was marked by fraud; and they reported, that the grievance of which the inhabitants complained, in consequence, could not be remedied unless by a legislative enactment. A case, connected with the election, had been tried at Dorchester, when a verdict was found for the Crown, thereby establishing the fact that fraud had been resorted to. The voting papers had been falsified and mutilated. Papers had been put into the box, purporting that those by whom they were signed were in favour of one set of councillors, whereas the parties were, in fact, favourable to another. Those who came into power by these means began their career by removing certain officers whose political principles were different from their own. The object of this Bill was, not to establish fresh councillors, but to allow the election of councillors to begin *de novo*, so that a fair and just election might take place. He thought that no objection could justly be made to this proposition, when it was considered that the complaining parties had no remedy in the courts of law. When it was admitted that a great abuse had taken place, and that a great grievance had been suffered, the injured parties had a right to come forward and ask for an Act of Parliament to replace them in the situation in which they would have stood but for the fraudulent conduct of which they complained.

Lord *Redesdale* said, that he, and he believed many other noble Lords, most strongly objected to this Bill. There was not to be found in the records of Parliament a precedent for such a measure as that which was now proposed, and which appeared to him to be of a most dangerous character. It was introduced for party purposes, it was founded on party spite, and sought nothing else but party triumph. The question at issue was properly a question, not for Parliament, but for the courts of law, and to them it ought to be left for decision. He knew that one trial had taken place; but it should not be forgotten that the learned judge had on that occasion reserved several points; so that, in point of fact, the case was not decided. It was not his intention to move (as had been prayed by Messrs. Ledgard and Major, whose petition he presented yesterday) that those who opposed the Bill should be heard by counsel at the bar of the House. He would not put their Lordships to the trouble, or the parties to the expense, which would follow, if he adopted such a course. With respect to the late election, he must contend that the conduct of the mayor on that occasion was perfectly correct. With respect to the voting papers, which had been alluded to by the noble Duke, there was no clause in the Act of Parliament to direct the mayor how to act under such peculiar circumstances. It was left entirely to his own discretion as to which of the papers he should select, and which he should reject. Yet it was asserted that the mayor had acted fraudulently. If that were the case, the parties ought to have proceeded against him by action. Their Lordships ought to be very cautious in countenancing a measure which asked for a great deal more than was necessary. Two councillors only in one ward were objected to, and none were objected to in the other, yet this measure went to annul the whole election. Was that just? He was certain that no noble Lord could assert that it was. With respect to the trial connected with the election, no less than six points of law were reserved for further consideration; so that ultimately the verdict might be reversed altogether. The noble Lord concluded by moving as an amendment, "That the Bill be read a third time this day three months."

Lord *Strafford* did not take up this

question as a party man, but as a Member of the Legislature, anxious to do justice. He declared, then, on his own personal knowledge, that the election was not a fair one. He believed that gross fraud had been committed, and therefore, in order to correct the evil, it appeared to him that it would be proper to pass this Bill. Such was his opinion, without any reference to party feeling, Conservative or Liberal. He begged leave, in support of his view, to refer to the evidence given before the Select Committee of the House of Commons.

Lord *Lyndhurst* said, they could not receive evidence which was not regularly before their Lordships, and of which, in fact, they knew nothing. There was no evidence to support the preamble of the Bill; and it was always usual, when a Bill of such a nature was introduced, for their Lordships to hear evidence in support of it. How, then, was it possible they could proceed in the manner now pursued by the noble Lord?

The Marquess of *Lansdowne* said, it was perfectly open to his noble Friend to take the course which he had adopted.

Lord *Lyndhurst:* The noble Lord may act as he pleases.

The Marquess of *Lansdowne:* This is, I think, a most disorderly interruption.

Lord *Strafford* assured the noble and learned Lord that he had no intention to proceed irregularly. The noble Lord then argued, that spite was not manifested by those who called for this Bill, but was abundantly shown by the majority who had arrived at office, and who wished to remove from their situations persons who were obnoxious to them.

Lord *Lyndhurst* said, that as the provisions of this Bill would sensibly affect certain parties, a strong case should be made out before their Lordships passed it. He contended that it was not possible for them to proceed in the summary way that was now proposed. The Bill was a measure of disfranchisement; and whenever such a measure was proposed, it was the established rule that a case should be made out by evidence—yes, made out by evidence at their Lordships' Bar. Their Lordships never proceeded, and never would proceed, on the evidence given before a Committee of the House of Commons. And why? Because such evidence was not given on oath. He knew it would be said, that part of this evidence was on oath—that it consisted of affidavits. But, though such evidence, resting on affidavits, was on oath, still that was not sufficient. The evidence ought to be given in their Lordships' presence, in order that a cross-examination of the witnesses might take place. But the evidence given before the Committee of the House of Commons in this case had not been communicated to their Lordships. Then what was the foundation on which they were called on to legislate for the disfranchisement of those people? He understood that a case connected with the election had been tried. Of that, however, he knew nothing, except from newspaper report; and, he would ask, was newspaper report the ground on which they would legislate? A verdict, it seemed, had been obtained, but there was no judgment. Now, what course did their Lordships pursue, when a motion was made relative to a verdict that had been obtained against a Member of their Lordships' House, but which had not been followed up by judgment? Why they did not entertain it for a moment. The noble and learned Lord who then occupied the woolsack immediately said, "A verdict is nothing, if not followed by judgment. There may be a new trial, and the verdict may be reversed." And what turned out to be the result in that case? Why, there was a motion for a new trial—that motion was granted—but no further proceedings took place. Now, had they in that instance taken any steps, they must afterwards have annulled their proceedings, in consequence of that verdict having been set aside. In the present instance it appeared that the learned Judge who tried the cause had reserved several points for future consideration, one of which gave to the defendant a right to move that the verdict should be entered for him. Then, if the point thus reserved were decided in the defendant's favour, in what situation would their Lordships be placed after having passed this Bill, as founded on the preceding verdict? He knew the learned Judge who tried the case, and he was perfectly convinced that that learned individual would not reserve an idle point, or one that was undeserving of serious consideration. He knew nothing of the facts which had been alleged—not sufficient, at least, to induce him to agree to the measure which was founded on them. There was, in truth, nothing before their Lordships which could justify them in passing this Bill. A question of *quo warranto* had been raised; but that question was not yet decided. He therefore felt himself called on, under all the circumstances, to oppose the Bill. It might so happen, if they passed this measure, that the judgment of a court of law might, at a future period, be directly at variance with their decision. He would not run such a risk, and therefore he should oppose the second reading.

The Duke of *Richmond* observed, in reply, that if the only reason for resisting this Bill was that the evidence did not come fairly before their Lordships, why did not some noble Lord on that (the Opposition) side of the House move that the parties be heard by counsel against the measure at the Bar? It might, however, be said, that he (the Duke of Richmond) should have done so. Why, a petition was presented last night from certain inhabitants of Poole, praying to be heard by counsel, and from the question asked by the noble and learned Lord (Lord Lyndhurst) on the presentation of that petition, he took it for granted that the motion for hearing counsel would be made either by that noble and learned Lord, or by some of those near him. And, indeed, he must be allowed to say, that if the parties were innocent, and if the tricks with which they had been charged were not too commonly practised by the party to which they belonged to have effect in damaging their characters, they ought to have challenged inquiry into their conduct. He was delighted to hear the noble and learned Lord (Lord Lyndhurst) give in his adherence to the principle, that a measure of disfranchisement ought not to be sanctioned by that House without hearing evidence at their Bar. But he begged just to remind the noble and learned Lord, that such a course was not always adopted, by referring him to the case of the Prisoners' Counsel Bill, in which not a tittle of the evidence on which it was founded was heard by their Lordships. Again, the noble and learned Lord consented, without hesitation, to the disfranchisement of the forty shilling freeholders in the year 1828, by a bill of pains and penalties, though not a particle of evidence was received in support of it. They heard much in that House of vested rights, but he should like to know whether those who were displeased by the manner in which the election in Poole had been conducted were not justified in complaining of having their rights infringed? He thought that this measure might be read a second time that evening, and then referred to a Committee up stairs. It would be unwarrantable on his part, seeing that there was hardly a single individual on that (the Opposition) side of the House who was favourable to the Bill, to put their Lordships to the trouble of dividing, but he must protest against the course which the majority of their Lordships were pursuing.

Lord *Wharncliffe* must protest against the language which the noble Duke had used. He must remind him of the fact, that it was no novelty with that House to require, when a bill of pains and penalties was brought before them, that a case should be made out to sustain it before they assented to the Bill.

The Marquess of *Salisbury* said, that there was another ground on which his mind was most strongly made up against this Bill, to which the noble Duke had not adverted in his reply, namely—that their Lordships' House which formed a superior court of appeal, would, if they agreed to this Bill, be interfering with the proceedings of the inferior courts.

The Duke of *Richmond* observed, that he should protest against the hint, which by throwing out this Bill their Lordships would be giving to all the corporations of England, that however illegally they might act, that House would not punish them for their misconduct, or prevent their repeating their offence.

Lord *Wharncliffe* contended, that the noble Duke had not put himself in a situation to call for evidence, as he assumed the guilt of the parties.

Lord *Wynford* expressed his determination to vote against the Bill, because, as this matter was now under the consideration of the courts of law, there would be an end to all justice if their Lordships were at this stage to interfere.

Bill to be read a second time that day three months.

UNIVERSITIES (SCOTLAND) BILL.] The Duke of *Wellington* said, that since this subject had been last under the consideration of their Lordships, he had perused the Report of the Commissioners of Ecclesiastical Inquiry for Scotland, and he had no hesitation in saying, that in his opinion the recommendations of that Report ought to be carried into execution, and that the Bill which had been entertained by their Lordships was calculated to carry those recommendations into effect. At the same time, they were aware that the Bill had made a considerable impression on the northern part of the kingdom, and that there were several persons who were extremely anxious to have further time given them for its consideration. He would, therefore, under these circumstances, suggest to the noble Viscount the propriety of postponing the Bill till next Session.

Viscount *Melbourne* observed, that although the Bill was not in its present form as good as it might perhaps be made, he thought it was efficient for its objects; but at the same time, for the reasons given by the noble Duke, he would not object to a postponement of the Bill till next Session, reserving, however, to the Government the power of taking any measures which they might think necessary for the purpose of carrying into effect the recommendations contained in the Report of the Commissioners.

The Earl of *Aberdeen* was well pleased to hear the noble Viscount consent to a postponement of this Bill, although he thought the measure one which might safely be adopted. He believed the Crown possessed all the powers which this Act professed to confer, but at the same time, great as those powers were, he would not venture to define their precise extent, as their limits were by many persons considered matters of doubt. The consequence would be, that if the Crown were advised to exercise those powers, they would be questioned in the courts of Scotland, and instead of obtaining them easily and without dispute, as under the Bill, the right to exercise them would be denied and contested. There could be no doubt that this would be disadvantageous to the Universities themselves, as well as injurious to the authority of the Crown, and he, therefore, could not help recommending the noble Viscount, as the noble Duke was satisfied with the Bill as it now stood, as well as with the recommendations of the Commissioners, and there could be no doubt of the passing of the Bill, to wait till the time the noble Duke had suggested, and the country, which already had begun to change with respect to this Bill, and whose alarm had greatly subsided, would, he felt quite assured, be perfectly satisfied with the measure. Indeed, he had little doubt that in another Session of Parliament there would be no opposition to it, except on the part of those who had an interest in maintaining the abuses for which this Bill provided a remedy.

The Earl of *Haddington* was understood to say, that almost every objection to the Bill was now removed, except that which was founded on the unknown character of the Commissioners. He should be perfectly ready, in the course of next Session, to show that the measure was deserving the confidence which this Session it had not received, and he expressed his unqualified satisfaction at the postponement of the Bill, because, in his opinion, time only was wanting to enable the country to take a proper view of the case. He trusted, however, that the noble Viscount would consider well before he issued a royal Commission, for he was apprehensive that taking such a course, instead of removing alarm and allaying excitement, would lead to nothing but litigation and irritation. He should not abuse their Lordships' indulgence by exposing, which he should have done if the Bill had gone to a third reading, certain mis-statements which had been made respecting the effect of a clause which he had introduced into the Bill, and he should only remark, that he gave no power to the Church of Scotland which it did not already possess; and that, so far from giving any power to the visitors, which it was stated he had done, he had taken away the power they had.

Bill postponed *sine die.*

HOUSE OF COMMONS,

Tuesday, August 2, 1836.

MINUTES.] Bills. Read a third time:—Stannaries Courts Common-Fields Inclosure; Medical Witnesses.—Read a second time:—Greek Loan.—Read a first time:—Ecclesiastical Courts, (Ireland); Militia Ballots Suspension.

Petitions presented. By several HON. MEMBERS, from various places, for Abolition of Church Rates.—By Sir JOHN YARDE BULLER, and Sir ROBERT INGLIS, from Exeter, against Ecclesiastical Duties and Revenues Bill.—By Lord FRANCIS EGERTON, and Sir GEORGE STRICKLAND, from Aberdeen and Caithness, against any change in the Regulations of the Universities, (Scotland).—By Mr. O'CONNELL, from Tuam, for Church of Ireland Bill, and from Augnnamullen, against the Lords' Amendments, and from CARNERA, for abolition of Tithes, and against the Lords' Amendments to the Irish Municipal Corporation Bill.—By Mr. BUCKINGHAM, from the City of London, for the Repeal of the Window Duty, and for the Substitution of a very heavy Duty on Spirits.—By Sir GEORGE SINCLAIR, from Caithness and Sunderland, against any Grant to Maynooth College, and for the Discontinuance of the present National System of Education (Ireland).—By Mr. GEORGE PHILLIPS, from the Retailers of Beer, Kidderminster, for placing them on the same footing as Licensed Victuallers.—By Mr. GEORGE YOUNG, from Miramichi and Richiburto, against any alteration of Timber Duties.

THE HOUSE OF LORDS.] Mr. *A. Trevor* said, that seeing the hon. Member for Kilkenny in his place, he wished to put a question to him. The hon. Member had a notice of motion on the printed order-book of the House. He wished to know whether the hon. Member intended to persevere in pressing that motion this Session, and, if not, whether he intended to postpone it till next Session?

Mr. *O'Connell* said, the hon. Member should have a candid, full, and explicit answer to his question. He (Mr. O'Connell) did not mean to go on with his motion this Session, on account of the late period at which they had arrived, but every thing that had occurred since he had given notice of it, convinced him more than ever that it was absolutely necessary for the House of Commons to take up the question; and that in fact, it had become their imperative duty, being, as he was, thoroughly persuaded, that the very name of freedom would be extinguished in this country unless the House of Lords was reformed. He should bring the matter forward at the earliest period next Session.

Mr. *A. Trevor* said, that the hon. Gentleman had not answered his question, which was, whether he intended to put the notice of such a motion on the order-book for next Session.

Mr. *O'Connell* thought he had answered the hon. Gentleman's question; he had certainly intended to do so. He would put such a notice on the order-book.

Mr. *A. Trevor* said, that whenever such notice was given, he would give notice to have it expunged from the order-book.

Subject dropped.

INCORPORATING TOWNS.] Mr. *Pease* wished to know whether any Bill would be passed this Session, or, if not, would be introduced next Session, to enable towns that desired to be incorporated to have corporations granted to them.

Lord *John Russell* said, that he had such a Bill in preparation, but that some of the points in it requiring consideration, he found it necessary to postpone it till next Session.

Sir *Robert Peel* said, that by law, the Crown possessed the power to grant Charters of Incorporation. Why had not that principle been adopted in the Municipal Act, so as to avoid the necessity of bringing in a new Bill on the subject?

Lord *John Russell* said, that there were many legal impediments to prevent the introduction of the principle into the Municipal Act. One great objection was on the score of expense, to avoid which a new and separate Act was required. One of the objects of the new Bill was to enable any new corporation granted by the Crown, or created by this Act, to dissolve, if he might use the expression, some of their local Acts of Parliament, which in many of those towns would be inconsistent and incompatible with such powers as would be given to them under the new Charters of Incorporation.

Subject dropped.

CHURCH AND TITHES (IRELAND).—LORDS' AMENDMENTS.] The Order of the Day for the consideration of the Lords' Amendments on the Church of Ireland Bill, having, on the motion of Lord John Russell, been read,

Lord *John Russell* said, in rising to propose a motion on the subject of the amendments made by the House of Lords in the Bill, which was fixed for consideration this day, I feel it incumbent upon me, in the situation I have the honour to hold here, to call the attention of the House for a few minutes to a question relating to its privileges. When the Bill which had relation to the Municipal Corporations of Ireland was before us, returned from the other House, I took the liberty of stating, that I thought there were only three courses to be pursued: to reject the amendments—to reject them in part, to agree to them in part—and to reject them for the purpose of introducing a new Bill. My observation was not followed up in the course of the debate which ensued, either on the opposite side of the House or on this. I feel it, therefore, the more incumbent upon me to take notice of the alterations in the Bill now upon the table, because I am of opinion with one of the early authorities of this House—I mean Mr. Pym—that our privileges are not matters of form or of light import, but of great weight and value. I should, therefore, be sorry that the House should take into consideration the nature of the amendments of the Lords—my observation upon the former Bill not having, as I said, been matter of debate—without pointing out in what manner they might be looked upon as affecting our privileges, and without giving some warning to the House (I should think myself unpardonable if I did not offer it) that those privileges with respect to the alterations made in bills, more especially in bills concerning grants, are matters of the gravest import for the preservation of the character and power of the House of Commons. As they are matters of grave import to the House, so likewise are they matters of great consequence to the welfare of the people by whom we are sent here as representatives and trustees. In the present Bill the chief alterations may be considered under four heads. 1. An alteration in the amount of rent-charge from seven-tenths to three-fourths. 2. An alteration of the distribution of the incomes of the parochial clergy in Ireland, increasing the amount to be so distributed. 3. An alteration taking away part of the clause which gave a surplus to the Consolidated Fund. 4. An alteration omitting that clause which provided for the grant of 50,000*l.* a year out of that Consolidated Fund, for the improvement of religious and moral instruction in Ireland. As a consequence, a necessary consequence, of the last amendment, half the title of the Bill has been left out, namely, the words, "and for the promotion of religious and moral instruction." About half the preamble, both in bulk and substance, has also been erased by the Lords. These alterations might be contemplated as affecting the consideration of the Bill in the first instance, as they are alterations entirely of the general scope and object of the measure as sent from this branch of the Legislature—that being a Bill uniting two objects, which we declare, in order to produce a satisfactory measure, ought to be united. They are of vast importance in the next place as altering a grant to his Majesty under the name of the Consolidated Fund, and as providing for an issue to be made out of that fund. There have been Bills not more affecting the privileges of this House than that now before me, and there have been alterations in them of somewhat a similar nature, which have caused them to be rejected at once on their return to this House. I might quote an instance of a Bill on the subject of the corn-laws in the year 1772—a question which was, no doubt, as much in the competence of the House of Lords as of the House of Commons—and yet, because the House of Lords left out the provision that a bounty should be paid on the exportation of corn, and thereby, as it were, rather diminished the burthens of the people, this House, generally, from all sides declared that the measure could no longer be admitted; and in the manner in which Bills had been often treated in those days, though we are seldom so uncivil in ours, the Speaker said that he would perform his part, and tossing it over the table, it was kicked out by the Members of different parties. That was done by general consent of the House, no one at that time saying a word in favour of the consideration of the amendments; and if I were to confine myself to mere matter of privilege, I know not why I should not argue that this is a Bill like that on the subject of the Corn-laws, which admits of no alteration in any part which relates to the Consolidated Fund. But I hope I shall stand excused of the House (and if I am not excusable, I am sure that you, Mr. Speaker, will interrupt me and set me right) if I propose—not to give up—not to renounce any right or privilege we have, by proposing, as I shall do, that we should take into consideration the amendments of the Lords as bearing upon our privileges, but pass by the question of privilege, in order to arrive at the merits of the question. I do this upon two grounds; the one, that I think that as a question of substance I am obliged to admit that this is a Bill which had not for its scope any intention to add anything to the Consolidated Fund or to furnish anything in the way of supply to his Majesty. It is a Bill having for object to regulate the ecclesiastical revenues and religious instruction in Ireland, dealing for that purpose with tithes and compositions for tithes in that country, and therefore as much within the province and open to the deliberation of the House of Lords as any other measure of general legislation. That part of it which relates to the Consolidated Fund was a way of carrying into effect a portion of the measure, but the mention of the Consolidated Fund was not primary but incidental to the general scope of the Bill. In the second place, I should be very sorry, by interposing a question of this kind, to prevent the House from coming now, as they have done before, to a decision upon the great question on which the Houses of Lords and Commons are at issue, and which I wish to see decided, as truth and justice require, with reference to the real merits, and not upon any question connected with the privileges of this House. The House will understand that, in so doing, I give up nothing, and I am the more anxious to give up nothing, because I do say, if we were going into a consideration of the clauses of this Bill, that this is a time when it does not behove us to be forward in surrendering those privileges, with respect to supply, which properly belong to us. Upon the due assertion of those privileges, upon the careful and watchful jealousy of this House in guarding them, depends the sole hope that it can have of maintaining its station as representing the people of England, and for carrying into effect what the rights and welfare of that people demand. Having thus mentioned what is preliminary to the consideration of this question, as a Bill to be discussed and decided upon its merits, I will now advert—and advert as shortly as I can—to the four points in which, as I have said, the chief alterations have been made. And in so doing, I am glad to remark that it will not be necessary for me to go again over the subject, which has been frequently debated here; and still less will it be necessary for me to do what would be not only irksome but painful—namely, to detain the House by the statement of any peculiar opinion or personal conduct of my own. The first main alteration in the Bill is raising the amount to be paid by the landowners of Ireland from seven-tenths to three-fourths. I know not upon what grounds that amendment was introduced. The Bill appears to me to impose a burthen upon landlords to which they have not hitherto been liable, for which the arrangement of seven-tenths was fair and equitable, and from that I should not be disposed to depart. With that observation I may dismiss this part of the Bill, ignorant as I am of any reasons by which the change can be justified, unless it be upon some expectation that the revenues of the clergy are better collected now than formerly. I pass therefore to the second portion of the Bill, in which an alteration of great importance has been made—an alteration by which the income of the clergy is totally changed. We proposed what I considered a very adequate income for the clergy of Ireland: my noble Friend has explained—has frequently explained—the principles upon which that proposal was made. There was undoubtedly in that arrangement a defect which was little remarked by this House, but which certainly is made very prominent in the amendment of the Lords. We proposed that where there were very few Protestants the income should not rise above a certain amount, and that where there was a large number of Protestants it should be proportionably increased. The effect of that no doubt would be, that the tithes paid in the south of Ireland would have been in some degree transferred to pay the income of the clergy in the north; but there was a compensation in that provision of the Bill which gave 50,000*l.* a year for the religious and moral instruction of the people—benefit was conferred by that part of the Bill which flowed back to the districts and parishes in the south; but as this Bill has been altered, the main object of it almost seems to be to transfer sums of money from parishes where there are few Protestants to parishes consisting of a larger number of Protestants, situated in another and a distant part of the country. Our proposal was, that where there were few Protestants, only a certain income should be retained; that income has been increased by the Bill as returned from the Lords, and I must say unnecessarily increased, to the sum of 300*l.* a year. Power is given where a benefice exceeds 500*l.* a year and where there are not more than 100 Protestants, of reducing the amount by the distribution of the benefice; but afterwards a limitation of the power is inserted, stating that no benefice shall be reduced lower than 300*l.* a year. Therefore, in parishes where there are scarcely any Protestants, where perhaps, there is only one Protestant, it is still provided that the clergyman shall have 300*l.* a year. This seems introduced for the purpose, and we can have no doubt that it would answer the purpose, of preventing the accumulation of any surplus. If you say that you will carefully provide that, though there may be no duty to be performed, though the church may be empty, and though the parish be utterly void of members of the Establishment, yet that the clergyman shall have not less than 300*l.* a year, you do something (and the House will see that a great deal more is done afterwards) to prevent the accumulation of a surplus, and to establish the fact of your own denial that there is a surplus. But what happens with respect to these benefices of more than 300*l.* a year, of 500*l.*, 600*l.*, or 700*l.* a year? I hold in my hand a list of nine parishes in which the smallest number of Protestants is fourteen, and the largest seventy-two, while the incomes of the clergymen vary from 400*l.* to 975*l.* a year. In the whole there are 247 Protestants, and 5,796*l.* is the sum paid for their religious instruction. It is proposed by the Lords that, deducting twenty-five per cent., the income shall in future be 2,700*l.*, or about 11*l.* per head for each Protestant. But what is to become of the surplus money? The House of Lords tells the Roman Catholics of these parishes—" We will reform the Establishment; you complain of the exorbitancy of the dues you have to pay, and we will alter the income; and how have they altered it? By declaring that the clergymen of the parish with the smallest number of Protestants shall not have less than 300*l.* a year, and by giving the surplus (at least I must suppose we must infer it from what is said) to the clergymen of parishes containing more than 1,000 Protestants. There are two cases stated calling loudly for reform, and for the interposition of some law; the one is Belfast, where there are 17,942 members of the Established Church, and the other the archdeaconry of Dublin, with 15,599 Protestants. By this Bill as amended, whenever there are more than 1,000 Protestants in a parish, power is given to the Commissioners to divide the parishes, so that the surplus which might be obtained in parishes with few Protestants is to be transferred to places like Belfast and Dublin. Let me ask, then, is this any satisfaction to the persons who now pay tithes in Ireland? It was once set up as a defence for the Church of Ireland—a defence repeated within these few years, originating with Dean Swift and lasting for a whole century afterwards—that, after all by this income, you only pay a country gentleman for wearing a black coat. This was urged at a time when the question was not very soberly or seriously considered, and when many people did not see so clearly the necessity of spiritual instruction, even for Protestants. That defence had at least this merit, that although the clergyman might not attend very closely to his spiritual duties, if he had any, he was considered in the light of a landholder or resident gentleman who spent his money among them, and on this account his neighbours were less disposed to grumble; but, according to the Bill upon the table, the parishioners are to derive no benefit from these payments: it tells the poor farmer, impoverished by his contributions to a Church to which he does not belong, " We will take from you and your neighbours two or three thousand pounds a year, and we will give it to Belfast or Dublin where there are clergymen who want an increase of revenue." I must say that a plan of this kind never can, and never ought, to give satisfaction. A Roman Catholic might reasonably be discontented at having to pay a clergyman resident in the parish, to whose faith he does not subscribe; but when you tell him that he must pay another clergyman still of a dissimilar faith, who is and can be of no use to him, and who resides in a large town a great way off, you will scarcely reconcile him to the charge. Will that make him pay his tithes cheerfully? Will that make him come forward readily and heartily to do that to which he has hitherto made such strong objections, and shown such determined resistance? I will not detain the House by dwelling on the various anomalies with which this new plan in the amended Bill is fraught. I know that when my noble Friend brought forward his measure on tithes, both in the last and the present year, dealing as it did with a question of so much difficulty, and endeavouring to remedy some of the grievances of which the people generally complained, it must necessarily be exposed to a great deal of criticism and remark. I know that it had defects and contained anomalies, but none like those in the amended Bill, which are ten times more gross and glaring. It contains every thing objectionable, every thing contradictory, every thing irritating and vexatious, and omits every thing soothing and conciliatory. In this list are a number of cases of parishes containing little more than 100 Protestants, and the clergymen of which are paid little less than 500*l.* In all these no alteration is made. In one parish there are 115 Protestants, and 498*l.* is paid; and in another there are 106 Protestants, and 479*l.* is paid. In these and other instances there is no proportion between the duty and the emolument, although, after the professed arrangement and remodelling of the Church of Ireland, some proportion was surely to be expected. I now come to that question which I have already noticed—what is to be done with that which under the former Bill unamended was the surplus revenue of the Church of Ireland? We had provided, and I think most amply (I will run the risk of contradiction by a smile or otherwise) for the Protestant Church of Ireland. We left to it two archbishops and ten bishops, with a provision for each, at the lowest, of 5,000*l.* a year. Wherever there was anything like a large congregation, we allowed 400*l.* or 500*l.* a year to the rector; and even curates in Ireland, under the provisions of our Bill, were better provided for than curates of the Church of England. Having done all this, and fully complied with the terms of the resolution of last year, we provided that the surplus should be devoted to the moral and religious instruction of the people. That object has been altogether omitted in the Bill as it has come back to us. I will not now go into the arguments upon which that provision was originally rested, and upon which it was repeatedly rested in subsequent debates, but I will refer merely to the various divisions we have had upon it after long discussions. On the 2nd of April last year, after three days' contest, it was carried by a majority of 33; on the 3rd of April, in the Committee, the number was increased to 38; on the 6th of April it was 25; and on the 7th of April, 27. The same principle was again debated in the present year, and upon two occasions it was again affirmed. Until I have heard some arguments to the contrary, it will not surely be necessary for me to do more now than to say that the decision of the House upon this question has been such as truth and justice required. I think it was necessary to embody that principle in the Bill, in order to render it effectual; and I will now take the liberty of contrasting what would have been the state of things had the House of Lords agreed to our Bill, and what will be the state of things if we adopt the measure as it has been altered. Had it been passed in its original shape, the situation of the different parties would have been this:—You would have had a Government pledged to maintain the Church of Ireland—pledged to collect tithes and rent-charges, as a composition for tithes, and to take care that the revenues secured by the Bill were duly paid to the clergy of the Church of Ireland. You would have had the Government bound by that measure, which they had themselves brought forward, and in behalf of the principles of which they had repeatedly spoken and voted. The clergy would have been in this situation: they would have had to receive a certain income, 70 per cent. upon the whole legal income derived from tithes, and they would have been disembarrassed from the danger and from the pain of collision with those from whom tithes had been collected. They would have received their incomes from Government, and, like standers by, they would have been in a situation of ease and security, while everything was done for them, and without risk of new contests between the collectors and the payers of tithes. The situation of the people of Ireland would have been this:—that if their petitions had not been altogether granted, they had been received and attentively listened to by Parliament, and they would have seen that they were not forgotten in the general settlement of the great question. Whatever there was of anomaly in our Bill might have been smoothed down and made palatable by the just and mild influence of a Government in Ireland feeling a sympathy with the people; and such I believe to be the disposition of the people, that far from insisting upon extreme demands, far from wishing to push every thing to the utmost, which might be required in their behalf—they were so pleased and so satisfied with the testimonies of sympathy they had witnessed on the part of the Government, that they would have been anxious and willing to accept the measure offered to them. All these benefits, however, have been thrown aside; the Lords have sent the Bill back, rejecting that which the House of Commons had declared to be an inseparable part of it; they have sent back the Bill, having increased the amount to be paid for tithes, while, at the same time, they make the collection of the Church revenues, if possible, more obnoxious than before. How, then, are we to deal with such a Bill? I content myself with referring to the debates of last year, and the resolutions then passed; and with declaring, that I and those with whom I act are satisfied of the justice and truth of the principles of those resolutions, and that from those principles we are not ready to depart. It may be a question for the House to consider, whether, having solemnly affirmed those principles, it is now prepared, because the House of Lords has rejected them, to yield them up, important as they are, and to endeavour to agree with the Lords upon this subject, either by assenting to the Bill before it, or to any new Bill which might be introduced. If the Members of the House of Commons were to go to the Bar of the House of Lords in that humble guise—recanting their former resolutions—agreeing to the reduction of the principles of their Bill—submitting that they had been in error, and that the wisdom of the House of Lords had taught them a lesson of policy which they had not before learned

—I must say, that I would not accompany the Members of the House of Commons on that message. We, Sir, are prepared to stand by the principles which we have professed. We maintained those principles as an essential part of the final settlement of this question when we were out of office. With the affirmation of opposite principles—with the denial of the principles which we have professed—of course it would be our duty to resign; of course it would be our duty to pretend no longer to govern the councils of this country. I ask the Members of the House of Commons to consider at what settlement we can arrive on this subject? I have heard some persons say, that by agreeing to the Bill as it stands, we might make a settlement of the tithe question. I think that no notion could be more wild and more extravagant. I feel convinced, that if we were to send back the Bill, concurring in its principles, so far from settling the question, we should be at the beginning of a fresh contest, and should occasion the rise of a fresh agitation. Those who have opposed the payment of tithes hitherto, would continue their opposition; they would say, and say truly, that the terms on which they had agreed to a settlement had not been accepted, and they would point out to the people of Ireland the injuries which they suffer. Let me put it to the House, what would be the consequence of such an agitation? Let me put it to the House, what have been the consequences of a former agitation on a question not more exciting than this — a question, in which religious rights were concerned, undoubtedly, but which was not more animating than this—nor, indeed, did it come so near to the immediate interests of the peasantry of Ireland, as the provisions of this Bill. I mean, the agitation which took place in regard to the question of Catholic emancipation. The authority of a noble and learned Lord, for whom I shall always entertain the greatest regard, has been quoted with a respect in which I sincerely participate —I mean Lord Brougham. Now, I will take the liberty of reading from a speech of that noble Baron—as eloquent a passage as was ever uttered by his lips, eloquent as he is. It was delivered in speaking on the Reform Bill, when he touched on the concession made regarding Catholic emancipation. Lord Brougham observed:—

"The burthen of the cry was, 'It is no time for concession, the people are turbulent, and the Association dangerous.' That summer passed, and the ferment subsided not. Autumn came, but brought not the blessed fruit of peace; on the contrary, all Ireland was convulsed with the unprecedented conflict which returned the great chief of the Catholics to sit in a Protestant Parliament. Winter bound the earth in chains, but it controlled not the popular fury, whose surges, more deafening than the tempests, lashed the frail bulwarks of law founded upon injustice. Spring came, but no 'ethereal mildness' was its harbinger, or followed in its train; the Catholics became stronger by every month's delay, displayed a deadlier resolution, and proclaimed their wrongs in a tone of louder defiance than before. And what course did you, at this moment of greatest excitement, and peril, and menace, deem it most fitting to pursue? Eight months before, you had been told how unworthy it would be to yield when men clamoured and threatened. No change had happened in the interval, save that the clamours were far more deafening, and the threats beyond comparison more overbearing. What, nevertheless, did your Lordships do? Your duty; for you despised the cuckoo-note of the season 'not to be intimidated.' You granted all that the Irish demanded, and you saved your country. Was there in April a single argument advanced which had not held good in July? None, absolutely none, except the new height to which the dangers of longer delay had risen, and the increased vehemence with which justice was demanded; and yet the appeal to your pride which had prevailed in July, was made in vain in April, and you wisely and patriotically granted what was asked, and ran the risk of being supposed to yield through fear."*

Such were the words of Lord Brougham respecting an event of which the experience was still fresh in the memories of all. There was at that time—let it not be forgotten, because I think that it was that circumstance which most materially tended to a tranquil settlement at that appalling crisis in Ireland—there was, at that time, at the head of the Government of this country, a man who, by the practice of war, had learned humanity—and by the use and enjoyment of victory had been inspired with magnanimity. To that man there appeared nothing pusillanimous, nothing base, nothing disgraceful, in yielding on that great question; and brilliant as has been the public course of that noble person, it may be said, without hesitation, that by that concession he conferred more benefit on his country than by all the victories which he has achieved. But, if the House were to agree that it would attempt to contest with the Irish people this question of tithe, had it any hope—is there any probability—that the question would come to a similar settlement? I am afraid to say it—but I think it the truth—that there is no person who could now so control the opponents of the Irish claims as the Duke of Wellington then could. I have not that same faith, I have not that same confidence, in the magnanimity of those who know not the dangers and calamities of war, that they would yield in a similar manner. There would be—but in a very different spirit—a resistance carried on against the claims of the Irish; that resistance would be provoked and excited by every means, where it might be least expected, and where it might be most hoped that it would not exist. The courts of justice might become places whence mandates would issue, from which grave outrages would arise; the people of this country might be excited against the people of Ireland—now by declamation against their religion—now by imputations against their country—and now by reflections against their race;—all for the purpose of creating a national feeling on the part of the people of England that they were bound to resist the claims of the Irish, while a national and a hostile feeling would arise on the part of the Irish, that they were not to meet with justice from England. And I think that I am not hazarding any extravagant prophecy when I venture to say, that no means would be spared to excite those religious dissensions; for already has forgery itself been resorted to for the purpose of provoking the Protestant people of this country. Doubtless, too, there would be found persons to excuse those means, whatever they might be, as merely "an ingenious device." It may be said, that all these things would happen if the course which I am about to propose were adopted. But there is not so much danger of that. If we reject the Bill, and leave the question of tithes unsettled, there is still a feeling on the part of the people of Ireland that, although the whole Legislature is not favourable to their claims, yet from the King's representative in Ireland they will receive the benefit of a fair and impartial administration of the laws. Such has been the influence of that circumstance, that even now, with the late testimonies which we have had from Ireland, with this tithe question unsettled, and with a reform of the Corporations denied, there has been a great improvement, as is made evident at the Sessions and Assizes in Ireland, in the habits of the people, and great increase of tranquillity. But if hatred and contempt towards the people of Ireland are to be abetted and promoted, or supposed to be abetted and promoted, by the Government of this country, what is there in this Tithe Bill which can promote tranquillity as a redress of grievances? I am not afraid of proposing to this House not to agree to these amendments, because a large majority of the other House of Parliament has disagreed to our propositions. I know, full well, that on another subject, now matter of history—on the question of the contest between this country and America—from its beginning, those who contended for justice and conciliation to America were scarcely, at any time, more than a fourth part of that House. I have been told by one, who is a near relation of mine, that he divided with Lord Chatham when there were only four persons in that House who so divided in favour of conciliatory measures. At that time, too, it was, that the Lord Chancellor of the day said, that if we withheld our protection from America, America could be conquered by Genoa or by Sweden. It is not, therefore, because there are large majorities in favour of a system, which is in its nature unjust, that this House ought to yield to those majorities. I am sure that if the House of Commons should, as it did during the American war, concur in acts of oppression and misrule with respect to Ireland, they would, in the end, be compelled to avow, that their measures had been inefficacious, and endeavour again to repair their error by a tardy and, perhaps, ineffectual submission. I trust, however, that such will not be the course which the House is prepared to pursue. I trust that the House, by agreeing to the motion which I am about to make, to defer the consideration of the Lords' amendments till this day three months, will give its decided assent to the proposition that the Bill, as sent down from the House of Lords, cannot form the basis of a settlement with Ireland. By adopting that course, the House will maintain the resolution which they have already adopted—they will be doing that which I think is consistent with justice, and they will still be to the people of Ireland a House of Representatives to which they will look for redress. If the House were to take the other course, it would be preparing the way for great evils; and the agitation which was found so strong in 1828, would prove equally potent and formidable in 1836. What in that case would be done? Would pride allow you to retract? Would your notions of policy and justice permit you any longer to resist? You must adopt one course or the other. You must either enter into a pertinacious struggle against the vast majority of the people of Ireland, accompanied as that must be with a lavish expenditure of blood and treasure—and after having attempted in vain to force unjust measures on that people, be obliged to retract and confess that you wished to do that which was not defensible, but that the difficulties you encountered compelled you to desist from your purpose. You must either do that, or you must make up your minds to act, justly at once. The latter, and not the former course will, I trust, be taken by the House. I am convinced, that if the House continue in the course which it has hitherto pursued, although our progress may be uncertain, although it may be sometimes retarded, we at length shall have our reward in seeing tranquillity and satisfaction established in Ireland. That country will then form the main body of our strength—she will lend us willing assistance in war, and will be an admirable arm of our prosperity and resources in peace; and the House of Commons will not have to regret that it preferred doing what was just and conciliatory to yielding to the temptation of doing what was neither just nor conciliatory. By such a course you will maintain the character which you ought to have as the House of Commons of England; and come what may, finally, the triumph must be your own. I move, "That the Lords' amendments be taken into consideration on this day three months."

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* Hansard, vol. viii. (third series) p. 270, 271.

Sir *Robert Peel:* The motion with which the noble Lord has concluded his speech is, of course, tantamount to the total rejection of the amendments made in the Bill by the House of Lords, and necessarily amounts to a postponement, for another year, of the long-agitated question of tithes in Ireland. The noble Lord has rested his opposition to the amendments of the Lords upon a double ground—first, upon his doubts whether the amendments do not interfere with the constitutional privileges of this House; and, secondly, upon the substantial merits of the case. I will follow the example of the noble Lord, and consider each class of objections separately. In the first place, however, I must beg leave to remind the noble Lord, that the objection, rather hinted at than expressly made by him, on the ground of interference with the constitutional privileges of this House, ought to be directly stated, and made a ground for a preliminary refusal to consider the amendments. I submit to you, Sir, that the course uniformly taken when such objections have been urged on former occasions was, that the invasion of privilege was considered a preliminary obstacle to any further proceeding with the measure; and a new Bill was consequently introduced, if it was supposed possible to come to an understanding with the other House of Parliament. The noble Lord said, that he agreed with Mr. Pym in the declaration that the privileges of the House of Commons were not conferred for their own benefit, but for the benefit of the country; and the noble Lord added, that those privileges were not airy and unsubstantial nothings, but that whenever they were trenched upon, they ought to be resolutely defended. I call upon the noble Lord to take that course. If his doubts be valid—if they can be maintained—the noble Lord should urge them openly and boldly. Let him not suppose that I call upon him to take that course for the purpose of evading the discussion of the great principle involved in the question on the measure before us. If the noble Lord will press his objection on the score of invasion of the constitutional privileges of the House, and the House should on that account refuse to take the amendments into consideration, I pledge myself that I will move for leave to bring in a Bill similar to the present in its amended shape. Thus we should attain the double object of supporting our privileges and discussing the question of Irish tithes on its own ground. If, as the noble Lord said, our privileges are not airy and unsubstantial nothings—if, where they are trenched upon, they ought to be vindicated—let me tell the noble Lord that it is not fair for a Member of this House to "hint dislike, and hesitate a doubt" upon such a subject in his speech, when he ought to place upon record the nature of his objections. My view of this question is confirmed by high authority — that of Mr. Hatsell. I agree with the noble Lord, as I said before, that we should be jealous of our privileges, and neither upon this nor any other occasion, permit an infraction of them; but, at the same time, we should be cautious not lightly to advance the pretensions of privilege and then abandon them. Mr. Hatsell says:—

> "From the beginning of the present century, a period of above fourscore years, the claim of the House of Commons to their rights and privileges in matters of supply, have been seldom, or but faintly, controverted by the Lords. The rules which they have from time to time laid down to be observed in Bills of aid, or in Bills imposing charges and burthens upon the people, have been very generally acquiesced in; and the practice of both Houses of Parliament has been uniformly adapted to these rules. It may, perhaps, be difficult to express with precision and correctness the doctrine which is to be collected out of these precedents; but, as far as my observation has gone, I think the following propositions contain pretty nearly everything which has at any time been claimed by the Commons upon this subject;—First, that in Bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations, either as to the quantum of the rate, or the disposition of it, or, indeed, any amendment whatsoever, except in correcting verbal or literal mistakes; and even these the House of Commons direct to be entered especially in their journals, that the nature of the amendments may appear; and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments. Secondly, that in Bills which are not for the special grant of supply, but which, however, impose burthens upon the people, such as Bills for turnpike roads, for navigations, for paving, for managing the poor, &c., for which tolls and rates must be collected. In these, though the Lords may make amendments, these amendments must not make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these Bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments. Thirdly, where the Bill, or the amendments made by the Lords, appear to be of a nature which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced. And, lastly, the Commons assert that the Lords have no right to insert in a Bill pecuniary penalties or forfeitures, or to alter the pecuniary forfeitures which have been inserted by the Commons. These rules, with respect to the passing or amending of Bills, are clear, distinct, and easy to be understood and applied in all the cases which may occur. It has been sometimes attempted to extend this claim on the part of the Commons still further; or rather so to construe this claim, as to tend very much to embarrass the proceedings of the House of Lords upon Bills sent from the Commons. This has never appeared to me a prudent measure; I think the House of Commons may rest satisfied with the observance of these rules, which they maintain upon the ground of ancient practice and admitted precedents. Their sole and exclusive right of beginning all aids and charges upon the people, and not suffering any alterations to be made by the Lords, is sufficiently guarded by the claims as here expressed; and it does not seem to be either for their honour or advantage to push this matter further; and, by affecting privileges which may be subjects of doubt and discussion, thereby to weaken their claim to those clear and indisputable rights which are vested in them by the Constitution, and have been confirmed to them by the constant and uniform practice of Parliament."

I say, that upon the present occasion, it would have been infinitely better to waive any objection to the Bill, on the ground of constitutional privilege, and to approach the consideration of the merits of the question—than, after urging in a speech, a claim to litigate the right of the Lords to make the amendments which they have effected, to reject the measure on its merits, and leave the public hereafter in doubt as to the nature of the course we have pursued. Do I advise acquiescence in any unjust claim urged by the Lords? By no means. I avow my readiness, if you, Sir, declare it to be your opinion, that the amendments do trench upon the privileges of this House, to bow at once to your authority. I will consent, on the ground of privilege, to reject the Lords' amendments, and then proceed to discuss the principle of the measure on its merits; but I say, do not mix up the double objection for the purpose of entrapping votes, by leading hon. Members to suppose that it is necessary, in point of form, to reject the Lords' amendments. The noble Lord, indeed, is furnished with objections suited to the most tender capacity; and he says to his supporters, "choose what you please, but give us the benefit of your doubts." I ask the noble Lord to concur with me in this proposition—that you, Sir, shall determine whether the amendments of the Lords do touch upon the privileges of the

House or not? If you be of opinion that they do, let us vindicate our privileges—but by a more decisive mode of action than a speech even from a Minister of the Crown. The noble Lord founded his doubts upon the question of the invasion of privilege upon four grounds. [Lord *John Russell:* No.] I understood the noble Lord to say so. The noble Lord said, in the first place, that his doubts were excited with respect to the alteration of the amount of rent-charge from seven-tenths to three fourths; but in a subsequent part of his speech the noble Lord discussed the policy of that alteration. The main question is, whether the measure is to be considered in the light of a supply Bill?

Lord *John Russell:* I never wished to raise that question, but I expressed a doubt as to whether the Lords were justified in altering that part of the Bill which contained a grant to the Consolidated Fund.

Sir *Robert Peel:* I certainly did not understand before, that the single point upon which the noble Lord limited his doubts as to interference with the constitutional privileges of the Commons, was that of the amendments of the Lords affecting the amount of the payment to the Consolidated Fund. That, however, is a single point upon which we ought to have the benefit of your opinion, Mr. Speaker, before we proceed further. It is a matter of indifference to me which course the House may take; but I do not wish the discussion of the main question to be prejudiced by the introduction of another topic. If you, Sir, should be of opinion that the amended Bill does encroach on the privileges of this House, I am ready, following the precedents which I have read, to act on your suggestion, and decide, on that ground, for its rejection. If, on the other hand, Mr. Speaker, you should be of opinion that no ground for doubt upon that point exists, I agree with Mr. Hatsell that it would not be right for us to urge pretensions which we cannot support, and I will proceed to argue the substantial merits of the question. Before I call upon you, Sir, for your opinion, I will premise, that whatever may be the phraseology of the Bill, I never understood, in the course of the debates which occurred upon it, that the surplus of the Irish Church revenues was to be carried to the Consolidated Fund, for the purpose of diminishing the burthens of the people. I heard it argued—and by no one more strenuously than by the Chancellor of the Exchequer, that the only legitimate application of that surplus was to the purposes of moral and religious instruction, and that he never would consent to appropriate it to a vote for New South Wales, for instance, or any other secular purpose whatever. If you, Sir, should be of opinion, that the grant to the Consolidated Fund was to be applied to the diminution of the public burthens, you will, perhaps, think, that our privileges have been trenched upon; if, on the other hand, you should think that the surplus was to be applied only for the purpose of moral and religious instruction, it is probable you will declare that there has been no violation of privilege. Before I proceed to consider the arguments of the noble Lord, with respect to the substantial merits of the question, I think it would be a great advantage to the House if you, Sir, would favour it with your opinion on the point of privilege.

Lord *John Russell:* before the Speaker delivers his opinion, I wish to state distinctly what I really did say. I said that that part of the Bill which gave a portion of the tithes to the Consolidated Fund might bring the question formally within the privileges of the House. I stated further, that it was my opinion the Bill was not intended to grant a supply to his Majesty, and I added, that, in my opinion, the question of privilege was not distinctly raised, and that we might proceed to discuss the merits of the question.

Sir *Robert Peel:* I thought I heard the noble Lord say that there were times in the history of our ancestors, when a measure not differing much in principle from the present, was rejected by this House with indignation, on account of the amendments to which it had been subjected by the Lords. The noble Lord described the manner in which the unlucky Bill had been tossed by the Speaker over the table, and kicked by the Members out of the doors of the House. I thought that the object of a remark of that kind, was to show that if we now were to rest satisfied with the *gemitus columbæ* of the noble Lord—with a mere whisper of disapprobation of the invasion of our privileges, a not very favourable comparison would be drawn between our constitutional jealousy and that of our ancestors. If the noble Lord did not quote that example, I must have strangely misunderstood him; if he did, I cannot conceive for what purpose he did so, except to gain a vote on account of the supposed improper interference of their Lordships with our privileges.

The *Speaker:* as my opinion has been called for, I shall endeavour to state it as clearly and briefly as I can, consistently with the importance of the subject. If the Bill had been limited to a new distribution of the existing property of the Irish Church, I am of opinion that a difference between this House and the House of Lords, as to the proportions in which that property should be distributed, would not have been a violation of the privileges of the Commons. If the grant of 50,000*l.* per annum for education had been left in the Bill, the Lords would not have diminished the amount of the contemplated surplus, because that would have diminished the fund to be applied to the repayment of the Consolidated Fund, and this would have been inconsistent with the privileges of the House, because it would have increased the burthens of the people. The difficulty arises from the insertion of 50,000*l.* for education. In considering the Bill, I have looked to the privileges of the Lords as well as of the Commons, and I feel that that clause remaining, the Lords could have made no other amendment than to give a little more or less to the clergy, but without altering the total amount. Still it may be said that this House has made a grant on the condition of the Lords agreeing to the whole Bill, and the question is, whether they might not contend that that grant having been made, the Lords had no right to alter the Bill? This would be a strong assertion of privilege, and it is chiefly from this case being quoted as a precedent, that I think this question important. The House has, therefore, to consider whether they will press their privileges so far, or whether, if they consent to agree with the Lords' amendments, they will not guard against the effects of the precedent, by a special entry on their Journals?

Sir *Robert Peel:* If the Lords had retained the clause relative to the Consolidated Fund, and altered it, I apprehend the Bill must have been rejected, but the Lords have omitted it altogether. The Bill did contain a money grant which is no longer to be found in it.

The *Speaker:* all I meant to say was this,—that the House of Commons, having made a grant of money upon the consideration of the Bill being returned to them as it went up to the Lords, and that consideration not having been fulfilled, a question of privilege may thereby arise.

Sir *Robert Peel:* then I think I may assume that the question is disembarrassed of the point of privilege, and that I am at liberty to address myself to the merits of the question. I now, therefore, approach the second and more important part of the noble Lord's speech—namely, the objections which he urged on principle to the acceptance of the Lords' amendments. The subject has been so repeatedly discussed, and every argument which can be used with reference to it is so trite, that I am sure I shall consult the general wish of the House by contracting my observations within as narrow limits as possible. I beg to call the attention of the House to what the amendments made by the Lords will effect. What is the arrangement made by the joint consent of Lords and Commons, which the noble Lord now proposes that we should reject? The Bill brought down from the Lords, would if we acceded to it, make this arrangement on the subject of tithes in Ireland, and the regulation of the Established Church in that country—it would deduct twenty-five per cent. from the amount of tithes composition. The Bill we sent up to the Lords made a deduction of thirty per cent.; and the noble Lord says he can see no reason why that proposition should not have been acceded to. I may make exactly the same observation with respect to the proposed deduction of twenty-five per cent. The matter is one which, from its very nature, will not admit of close logical deduction. We have been told, that by agreeing to make a deduction of twenty-five per cent., we have consented to the alienation of church property for the benefit of the Irish landlords, and that, therefore, it is perfectly absurd in us to object to its alienation for the purposes of general instruction. But we do not consent to the deduction of twenty-five per cent., as an alienation of church property; we consent to it as a just compensation to the landlords for taking upon themselves a new liability; and if the noble Lord can prove that twenty-five per cent. is too much to allow for that purpose, and that twenty per cent. is sufficient, I will vote for a deduction of twenty instead of twenty-five per cent. Doubtless, in individual cases, benefit would result from the arrangement; but, on the other hand, there would be cases of individual hardship. It is impossible to apportion what is exactly just in every case. I think that a deduction of twenty-five per cent. from the amount of tithe composition is sufficient compensation to the landlords for assuming a new liability; and, therefore, I vote for that proposition in preference to that which would give them thirty per cent. The preamble of the Bill which passed this House expressly recited the ground on which the reduction of twenty-five per cent. was made. It was as follows:—

> "Whereas, with a view of rendering the incomes arising from tithes more certain in amount, and more easy of collection, several Acts have been, from time to time, passed for the establishment of compositions for tithes throughout Ireland; but the interposition of Parliament is necessary in reference to various circumstances peculiar to that part of the United Kingdom; and whereas it is expedient to make provision for uniting and dividing benefices, and for the altering the boundaries and regulating the incomes thereof, with a view to the better distribution of ecclesiastical duties and revenues; and, whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that the said compositions for tithes shall be made payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable deduction being made upon the amount thereof in consideration of the greater facility and security of collection arising out of such transfer of the liability to the payment thereof from the occupying tenantry to the owners of such estates or interests, &c."

The Bill, as sent down by the Lords, subjects to the payment of a rent-charge, in lieu of tithes, the landlords of Ireland, and relieves the occupying tenant from any payment on that account. The person possessed of the first estate of inheritance would henceforth be subject to the rent-charge. The Bill altogether removes the chance of any collision between the ministers of the Church and the occupying tenants—nay, more, it removes the clergy from all collision with the landlord, by whom the rent-charge would be paid, because it provides that a public department of the Government shall, until redemption (the only means by which a complete extinction of tithes can be effected) or until Parliament shall otherwise direct, collect the rent-charge. The Bill also provides for the review of all cures of souls in every town and city in Ireland. It further provides that there shall be a review of all the rural parishes in Ireland, in which the income of the clergyman exceeds 500*l.*, and the Protestant population falls short of 100 persons. The Bill subjects the Lord-Lieutenant to these restrictions, which surely cannot be considered unreasonable, that no benefice shall be increased so as to include an area of more than thirty square miles, that no rural benefice shall be increased which has already an income of 300*l.*, and that no benefice shall be reduced below 300*l.* These are the limitations which the Bill proposes to place upon the power of the Lord-Lieutenant. The Bill further provides that a separate fund shall be created, to be applied to these purposes, after satisfying the claims of the present incumbents—the surplus is to be applied, not to any secular purpose, but to the building of glebe-houses, and the repairing and enlarging of churches, giving the parishes from which the revenue is derived the first claim upon it. Is it unreasonable to propose that the charge of building glebe-houses should be defrayed out of the surplus of ecclesiastical revenues? The noble Lord, by his Bill, proposes that henceforth there shall be 1,250 benefices in Ireland, of which only 850 have glebe-houses. Thus there are, upon his own showing, 400 livings without glebe-houses in Ireland. The noble Lord takes a power of appropriating glebe in any parish in which none now exists. Can there be a more legitimate application of any surplus than that of building glebe-houses in parishes in which the minister is provided with glebe? The noble Lord, in the course of his observations, depicted what must be the despair of the impoverished farmer and tenant at hearing that a portion of the revenues of his parish was to be appropriated to the endowment of another parish in a distant town. The rule referred to applies only to rural parishes, and therefore the noble Lord's case of Belfast or Dublin is not applicable. I was surprised, however, to hear from the noble Lord, the author of the English Church Bill, this objection to the re-distribution of ecclesiastical revenues. I thought it was universally admitted that in cases of large benefices in Ireland, containing

8,000 or 10,000 Protestants, in which the clergyman's stipend is 150*l.* or 200*l.* a-year, it was but reasonable to apply any surplus of ecclesiastical revenue which might arise to the augmentation of the latter. That has been the course pursued with respect to the English Church Bill. I did not expect, at least, from the noble Lord, such a confirmation of the objection urged against himself by the Members for Durham—namely, that the Legislature had no right to apply any part of the ecclesiastical revenues raised in Durham to any but Durham purposes. The noble Lord, upon a former occasion, contended, that we had a right to apply any portion of the surplus of the Durham ecclesiastical revenues to increase a living in Nottingham, or any other great town, and he then felt no alarm on account of the anticipated complaints of the Durham farmers. The noble Lord has referred to the omission of the appropriation clause by their Lordships; but I apprehend that the main ground of that omission was the fear of touching on the privileges of this House. To preclude all doubt upon this point, I will state, for myself at least, that if the noble Lord will prove the necessity for granting a sum of money to any amount for the purposes of education in Ireland, I will support it. It must, however, be distinctly understood, that any such vote will be strictly applied to the purposes of general education, upon the principles established by my noble Friend, the Member for North Lancashire, when Secretary for Ireland. I believe the noble Lord, the Secretary for Ireland, has promised that there shall be strict inquiry into any alleged departure from the principles of that vote, and that the system shall not be perverted to the purposes of education in the peculiar tenets of the Roman Catholic Church. My noble Friend, the Member for North Lancashire proposed that education in Ireland should be common; that since we were unable to educate the young in the principles of the Established Church, and unwilling to educate them in those of the Roman Catholic faith, we should resort to the only alternative left—an education founded upon the great principles of Christianity, without attempting to gain converts to any particular persuasion. When that proposition was made, at a time when I was in opposition to the Government of which my noble Friend was a Member, I never hinted an objection. I knew that objections to this scheme of education were felt by many persons, and I am therefore the more anxious that the promises made to them should be rightly fulfilled. If the original purposes of the grant be strictly and inviolably preserved —if the scruples of Protestants be respected as well as those of Roman Catholics— if education be based on the fundamental principles of moral duty and the leading truths of Christianity, in which all concur, then to a vote to any amount that might be required for the purpose, I will not withhold my consent. I, however, object to look for the means of extending education in Ireland to the alienation of the ecclesiastical revenues. It was most unfair of the noble Lord to apply his illustration of the poor farmer and tenant in the way he did. The question is not whether there shall or shall not be education, but from what source money shall be obtained for the diffusion of education? The noble Lord advises us to reject the Bill, because it has not embodied in it, the principle of the resolution adopted by the House of Commons in April, 1835, which, whatever may have been its origin, had the effect, as was intended, of removing the Administration of which I was the head. Is it wise to reject the admitted improvement effected by the Bill for the sake of adhering to that principle? We should obtain by this Bill a reduction of twenty-five per cent. in the amount of the tithe composition; the rent-charge would be imposed upon the Protestant landlord; the occupying tenant would be relieved altogether from any direct payment; we should remove the ministers of the Establishment from any conflict with the tithe-payers, by enabling a department of the Government to collect their revenues; we should provide for the reform of the Church of Ireland; we should ensure the review of every living without exception, the income of which is more than 500*l.* per annum; we should ensure the review of every living in a town; we should ensure a consideration of the state of the Church and the glebe-houses; and we should have it in our power to take effectual precautions against alleged abuses, against the holding of pluralities, for instance, or of benefices with exorbitant incomes attached. All these beneficial objects we should ensure if we consented to adopt the Bill as it now stands. But the noble Lord says, "No, I will not; and I advise the House not to consent to these improvements—I advise the House to reject the Bill as it now stands, because it does not embody within itself the principle of an alienation of church property." In the first place, the noble Lord says there is a surplus. I will not enter into a calculation upon that point; it has been too frequently, and, as I should have supposed, too convincingly done before; but I deny, even upon the noble Lord's own showing, that there is a surplus. Give me the 1,250 livings into which Ireland is to be divided—give me that to which the noble Lord says the Government is pledged—namely, the Church Temporalities Bill—give me the revenues you have already established for the higher orders in the Church, and I say that the stipends you propose to attach to the lower clergy are totally inadequate to their proper support. But taking your 1,250 livings even with the small amount of income you propose to apportion to each, and I deny, when these have been provided for, that you will have any surplus. But even if there should be a surplus, I, for one, must protest against the mode in which it would be obtained. The noble Lord says that the other House of Parliament has increased the incomes of the clergy in Ireland to 300*l.* for the purpose of preventing a surplus; but I tell the noble Lord that the course he proposed to take for the purpose of insuring a surplus was infinitely more objectionable. Of the 1,250 benefices into which Ireland is to be divided, each will contain within itself on an average 16,000 statute acres, and each will require that the labour and exertions of the clergyman should be extended over an area of twenty-five square miles. Can I say, then, that it is reasonable or just, when I allot to a man such duties as are here to be performed, to limit the *maximum* of his income, supposing him to have 500 Protestant parishioners, to 200*l.* a-year? That is the *maximum* assigned by the Government Bill. I do say, comparing the duties to be performed by an educated and intelligent man,—looking at the expenses of his education,—looking at the public advantage which will be derived from his being enabled properly to attend to the spiritual duties of a flock so dispersed, to administer to their wants in time of famine and disease,—looking to the propriety of enabling him to uphold his own station, by the exercise of charities suited to his character and calling,—I do say, when I consider all this, and compare the emoluments derived by persons embarked in any other professional pursuits requiring the same degree of education, and the same devotion of time and talent, a stipend of 200*l.* a-year is a most inadequate provision for the incumbents of the greater number of livings in Ireland. I might press this argument if I were proposing to found a church establishment *de novo;* but surely it applies with tenfold force when I am speaking of a Church already established, and out of the proper funds of which its clergy are to be paid. The question is not whether we shall allot to them a new means of subsistence from the Consolidated Fund, but whether for the purpose of creating a surplus, we shall impose on ourselves the painful necessity of allotting a miserable stipend to those who now possess their incomes by as ancient a prescription as any by which the rights of property are guarded? The noble Lord asks, if we reject this Bill, and make ourselves responsible for the non-adjustment and non-settlement of the question, what hope can we entertain of any future satisfactory and peaceful settlement? I will tell the noble Lord that I cannot entertain hopes of satisfaction or of peace, if I acquiesce in the settlement proposed by him. He must see, he must read, the declarations of many hon. Members on his own side of the House; and, after seeing and hearing those declarations, is it, I would ask, rational to believe, that the Roman Catholic occupier or tenant, who is called upon to pay a sum of 5*d.* as a charge in lieu of tithe, will be perfectly satisfied, after unsettling the question in this manner, to pay 4*d.* out of the 5*d.* towards the maintenance of the Established Church? Does the noble Lord believe, that the Roman Catholic will pay this sum with satisfaction and entire accord, because the other penny is to be devoted—to what purpose?—to an immediate provision for education? No, not at all. The claim of all existing incumbents must, in the first place, be provided for. Then, is education necessarily provided for at all? Not in the least. It is from the Consolidated Fund we are to provide for education. The Bill enacts that the penny shall be devoted to repay to the Consolidated Fund what we may have advanced for the purposes of education. The question is, are the rights of property, which rest upon ancient prescription, to be held secure—and is it to be believed that, if we acquiesce in the principle that the Church has not a right to the property, there will not be a similar unwillingness to pay the four-fifths of the demand after the other fifth has been given up? I cannot conceive upon what ground, after having conceded this principle, we can expect such an acquiescence; it is not the amount of the sum taken from the Church which I consider; that is not the chief ground of my objection; it is this—I object to any alienation on account of the objects proposed by this Bill, as I conceive such an alienation to be pregnant with danger. My objections are infinitely greater to the principle of alienation, and to the mode in which it is meant to be applied, than to the amount of it. I can conceive that in some great national calamity, we might be justified in taking from men part of their property, against the usual course of law. In time of war there have been forced contributions—the inhabitants of a town may have been required to pay a specific portion of their property; that may be a hardship and an injustice; but when the demand is limited and definite, and the remainder is left clearly and unquestionably the property of its owner, then we have at least this protection, that the tyrant's plea—an overruling necessity, has been the only justification which could be offered for the alienation, and that until such a necessity again occur, there will be no repetition of such an act. But here no necessity is pleaded; the sum of 50,000*l.* which is required may be taken from some other source. Here, contrary to the case of a forced contribution, no specific demand is made; you do not say to the Church, we require from you a sum of 50,000*l.* or 100,000*l.* a-year, and the occupier shall still continue to regulate his own concerns and possess the remainder of his property, but you lay it down as a principle that, after providing for the spiritual wants of the Protestant population of Ireland, the whole of the remainder shall be delivered up to the people of Ireland. In what position do you then place that portion of these revenues which is to provide for the spiritual wants of the Protestant population of Ireland? Who is to estimate the amount that will be required to provide for these spiritual wants? The amount will vary with every Administration. It may vary with every majority. The present Administration consider 300,000*l.* sufficient for this purpose, and that the remaining 60,000*l.* or 75,000*l.* ought to be devoted to purposes of education. The moment that the rights of property are disturbed there is no knowing where we can stop. I contend not against the amount proposed to be alienated, so much as I do against the principle its alienation establishes, which affects, as I think, the independence of the Church of Ireland, by subjecting it to the control of a Committee of the Privy Council, who are indefinite in number, and holding office at the will of the Lord-Lieutenant. I will say, that my main objection is to the principle involved in the Bill, to the nature of the dependence which it establishes, and to the perfectly undefined nature of the demand it authorises. The noble Lord (John Russell) says, that he relies much on the force of popular opinion in support of this measure. As far as we have had any means of ascertaining the bias of public opinion, since the question was discussed in 1835, it is not in confirmation of the noble Lord's assertion. The Government is in office, and whatever influence office confers is in favour of the principle. There has been several vacancies in the Representation, and I will ask, have the constituencies decided in favour of this principle? We have had attempts at the settlement of the tithe question in Ireland, supported by vast majorities in the House of Lords. We have had the same attempts supported by a powerful minority in the House of Commons, approaching, within twenty-six, on the last occasion, to the majority which decided in favour of this principle. The opinions of the two branches of the Legislature are therefore divided, and the opinions of the two parties in the House of Commons very nearly approximate. We have had since that principle has been embodied in the resolution adopted by the House, independent of vacancies on account of office—we have had thirty-one vacancies in this House. When that resolution was voted in April, 1835, the occupiers of those thirty-one seats, if my recollection be correct, voted in favour of the principle in the proportion of twenty-one to ten, being more than a clear double. If I mistake not, the Representatives of these thirty-one seats having been changed, did, on the last, or would on the present occasion, vote in the proportion of sixteen to fifteen. Thus, they are, as nearly as possible, equal, instead of remaining more than double. I do not think, therefore, considering these indications of public opinion, by the intervening elections—considering that this Bill, which we all must admit to be a great improvement of the present system, is sent down to us from the House of Lords—and considering that it is in consonance with the opinions of a very powerful minority in this House, a minority approaching in point of number, within twenty-six of the number which voted for the settlement of this question on another basis, I cannot see the full force of the exultation of the noble Lord that we are bound in honour,—that the majority is bound in honour to an adherence to the former principle embodied in the resolution, and to reject this attempt at a settlement, because it does not contain all that that majority voted for. Is there anything embodied in this Bill which calls upon hon. Members opposite to express opinions in direct contradiction to the principle of their own resolution? Are we called upon to retract those principles? This Bill does much good—as much as is found to be possible. Are we, then, prepared to reject it because it does not go further? The noble Lord does not in general act in conformity with a doctrine so prejudicial; he considers it compatible with sound policy, not being able to effect all the good he desires, to grasp at what is offered, and to leave for future discussion what he cannot now obtain. Why, then, do not hon. Members opposite take the same course? If they do not think that there will be a clear surplus,—if they doubt that any surplus will exist for many years,—why should they insist upon the practical enforcement of the principle of appropriation? They should rather consent to attain a great degree of practical good, not assenting to the abandonment of the principle of appropriation, but reserving the practical enforcement of that principle to a future occasion, when the necessity of settling the question may arrive. If there be not any surplus, and if the occasion for the practical enforcement of the principle have not arrived, is it, I would ask, consistent with the policy of prudent and wise statesmen to reject attainable good, because the shadow of some future good cannot be obtained? I object to come to such a resolution. But it is said, that the House is pledged to reject this measure, as it does not embody the principle of the resolution which it has adopted, unless we are at the same time prepared to reject that resolution. We have had many warnings of the danger of establishing abstract principles before the time comes for their practical enforcement. But hon. Gentlemen will make their vote on this question not one of practical consideration, but the consideration of a point of honour! I know that amongst honorable men this is a point sometimes much more insuperable and difficult than the consideration of what is right. I protested against the resolution at the time, as shutting out the means of retreat, as depriving us of an opportunity of considering what, under present circumstances, is the best course to be pursued; and I must say, that my subsequent experience has only confirmed the truth of the objections I then took. The noble Lord (John Russell) contends that the settlement of the question, as provided for by this Bill, will be for the benefit of the Church of Ireland, and I consider that in passing this Bill we shall be giving a security for the collection of the revenue of the Church. The noble Lord has also reminded us of the American war, and of the concessions, consequent thereon, then made to the inhabitants of the United States; but the question to be considered is, whether the same principle which dictated these concessions, applies in the present instance? Either the demand is in itself reasonable and just, and ought to be conceded—or, if not reasonable and just, then the analogy from former concessions does not arise. When the noble Lord (Russell) was asked to consent to repeal the Union, he was told that public opinion in Ireland was in favour of that repeal—that the cause of Catholic emancipation had been carried by public opinion,—and that the repeal of the Union would be effected in the same way. The noble Lord considered whether or not the demand was reasonable and just, and whether, unless he acquiesced in the demand, the same system of agitation would be again pursued. The noble Lord found that this concession was not demanded by the people, and he resisted it. But the noble Lord says that this Bill is for the benefit of the Church. The noble Lord's opinions do not meet with the concurrence of the high authorities who are combined with him in the Administration. Last year, when this Bill was brought forward in the House of Lords by the chief of the Government, that noble Lord did not urge the acquiescence of the House of Lords in that Bill, on the ground that it gave additional security to the Church. My noble Friend, the Member for North Lancashire (Lord Stanley), has quoted a passage from the speech of the noble Viscount (Melbourne), of which the noble Lord opposite (John Russell) seemed to doubt the correctness, but that speech was revised and corrected. It has never been denied; but in juxta position with the opinion of the noble Lord (John Russell) as to the security which this measure added to the Church of Ireland, and partially in vindication of the grounds he had taken;—I will repeat this passage from the speech of the noble Viscount (Melbourne). It is as follows:—

> "I am deeply sensible and much concerned at the impression which I feel this measure is likely to make. I cannot conceal from myself that it will, in the first instance, and for a certain time, be a heavy blow and a great discouragement to Protestantism in Ireland, and that also it will be a great triumph to the adverse party. I admit that for an interval of time there must be great alarm and danger, which must necessarily attend and accompany such mighty and fundamental changes, and that shocks and convulsions must occur, which may render doubtful the safety not only of the Established Church, but of the Constitution itself."

And seeing the soreness which the Bill caused with respect to the Protestant Church—seeing that the removal of the civil disabilities, so far from rooting up prejudices, has not increased the security of the Church,—I greatly doubt the justice or the policy of giving this "heavy blow to Protestantism in Ireland." If that blow be inevitable, this I know, that we shall be much more likely to take some security against its prejudicial effect by resisting the cause of it, and standing erect to meet it, than by giving it vigour with our own arms. If that heavy blow must be given, my hand at least shall not impel it. If the cheer of adverse triumph must be raised, our voices shall not swell the shout. If the pillars of the Church and the stability of the Constitution itself must be shaken and convulsed, then, seeing no necessity for this injustice, I protest against the policy of it, and refuse to be a party to it. I move, as an amendment, "That the Lords' Amendments be now taken into consideration."

The question was put, that the words proposed to be left out, stand part of the question.

Mr. *E. Denison:* If the proposition of the noble Lord were, as it was stated to be by the right hon. Baronet, that the House should reject all the substantial good of its own measure, because it could not attain a visionary benefit, I, for one, would vote against its adoption; but if the truth be, that the benefits of the Bill were damaged in their most vital parts—if the majority, who, up to this time, had asserted the great principles embodied in the original Bill, had done so from a sincere conviction of their propriety and justice, he could not conceive how any one could now depart from those principles, and negative the value of all his former votes. The real question involved is no less a one than this: In the settlement of Irish affairs, shall the great body of the Irish people be considered, or not taken into the account? We, on this side, maintain that they ought to be, whether the question relates to civil or ecclesiastical affairs—to corporations or to tithes. There are two great objects to be obtained; first, to maintain the Establishment, which, from its anomalous character, requires a mode of reasoning unsuited to any other case, and peculiarly its own; secondly, to give some satisfaction and contentment to the Irish people. But in this difficult position of affairs, Gentlemen opposite insist on standing on the extreme of principle, and will not admit of a compromise; and yet what has our legislation been for years past but a perpetual course of necessary compromises? Look at the Irish Church Temporalities Bill, under which we live as the law. The noble Lord who introduced it, taking a view of the whole state of the Church, at once saw that the head of the Establishment was overcharged, and proposed a reduction of ten Bishops. Was that no compromise? Next, livings where service had not been performed for three years, were to be suspended. Strange sound to the ears of the religious people of this country. No church service performed for three years! A clergyman appointed, tithes regularly paid, but no service performed for three years, or for fifty years for aught any one might know! Then the principle of apportioning payment according to the population, is broadly laid down in that Bill. But this suspension of livings—was this no compromise? and more, was this no admission that the Church in that country stood in an anomalous position, widely different from anything known in this more fortunate country? In those parishes, the superfluous funds were to be retained for other uses. Did that not bring them to the question immediately before the House, the existence of a local surplus? How were they to deal with the surplus? Would they transfer it to distant parishes, or deal with it, as this Bill proposed, for the general benefit of the people? The case of Durham, retorted by the right hon. Baronet against the noble Lord, would not, on a closer examination, bear out his view of it. In Durham, it was proposed to take the proceeds of Bishops' lands, and transfer them to another diocese; but surely there was a wide difference between the proceeds of land and the abstraction of money paid in parishes as tithes. Let them make the case their own. Could they take the tithes from Devonshire, and transfer them for the maintenance of a clergy in Yorkshire? They had heard, in the course of this Session, that the payment of tithes is not very popular in the county of Devon. Do you think you could improve their popularity by transferring their proceeds to another and a remote county? But this was what they would do in Ireland. The deficiencies and the superabundance would not, as in England, balance each other by being in some degree equally disposed over the face of the country, but would lie in two great districts. The Protestants are congregated in the north; in the south and west the Catholics almost universally prevail. They must take from Cashel and from Tuam, to dispose of in Armagh and in Dublin. Could they do that, and at the same time flatter themselves that they were making a lasting or a satisfactory settlement? What has been said in the course of these discussions? That the Irish peasants or farmers—the great body of tithe-payers in the country—have no feeling about the disposition of the tithes; all they care about is the more or the less, not the mode of the disposal. This is a most injurious imputation; and how is it substantiated in fact? These same people resist the payment of tithes to the death, and yet out of their destitution and their poverty they provide a sufficient and a decent maintenance for their own clergy. This is worse than the famous declaration, that they are "aliens in blood, in religion, and in language." This makes them aliens from the feelings and sympathies of our common nature. It must be apparent, however, to all who have attended to the course of these discussions, that there are two classes among our opponents. There are some who would resist under any circumstances, any alienation of Church property. There are others, among whom may be numbered the right hon. Member for Tamworth, who said to-night, as he has said before, "I deny the existence of your surplus. Show me a real surplus, and then will come the time for considering it." Anything which falls from the right hon. Baronet is worthy of the most serious consideration of the House, and shall by me be always most carefully attended to; surpassing as he does in liberality, as much as he transcends in talent, all those who sit round him. To meet this class of objectors, and the full justice of the case, I should say, "let the surplus accrue, and as soon as it has accrued, let Parliament dispose of it." At all events we could then no longer be charged with dealing with a visionary fund, with one which had in reality no existence. I am satisfied with the justice of the provision as it stood in the Bill—with the undeniable right of the great question involved, which was no less than this, whether the full benefits of the British Constitution should be extended to Ireland. You have given nominally equal rights, but you deny and withhold their legitimate fruits. There can be no peace in that country, and no security for the empire, till the two countries have been firmly united by those bonds which alone are tolerable to freemen—the bonds of kindred institutions, of just, impartial, and equal laws.

Viscount *Sandon* challenged any hon. Gentleman on the opposite side of the House, to point out to him any one practical benefit which the people of Ireland could, by possibility, derive from the passing of the Bill under consideration. Was there any one object to be gained from it but the assertion of a principle to which hon. Gentlemen opposite thought themselves bound in point of honour. They had been told, again and again, that it was a great grievance for the people of one religion to be called upon to pay for the ministers of another. The present Bill, however, instead of removing the grievance, absolutely confirmed it. Another great evil which they were constantly reminded of was, the existence in Ireland of a large Protestant Church. For this grievance, again, the Bill provided no remedy. The hon. Gentleman who had just sat down, had asked how the people of Devonshire would like to have a portion of their tithes subtracted for the use of the inhabitants of Yorkshire? Why, this one principle the hon. Gentleman was himself willing to affirm, because in supporting the Bill, he supported a provision for levying 50,000*l.* on the whole tithe of Ireland, to reimburse the Consolidated Fund for the expense of establishing schools for the education of the people. What was the object of the present discussion? Merely to allow hon. Gentlemen opposite an opportunity of asserting a principle which, at that moment, they were willing to conceal. Not one of the advocates of that measure, however they might cloak it in public, but would in private admit they supported it, because it would lead to the destruction of Protestantism in Ireland. [*No.*] He said yes; such was the language of the press, and such was the language of hon. Gentlemen, Members of that House. Again, he defied a single hon. Gentleman opposite, to lay his finger on any one practical benefit of which the Bill would be productive to the Irish people. The truth was, that it was a party question: and that, as a party question only, without any reference to its individual merits, would the Bill now be rejected.

Mr. *Hume*: The noble Lord had asked a very fair question of hon. Gentlemen on that side of the House, and if they were unable to return any answer to it, they would undoubtedly not be justified in supporting the Bill as it originally stood, and would be bound to vote with the noble Lord. The noble Lord had asked what practical benefit would result from the Bill. He would inform him presently; but before he did so, he would refer to another and more novel observation of the noble Lord's. He had said that this was a party question, brought forward for a party purpose, and not with any reference to the merits of the Bill. Now he would tell the noble Lord, that he and those who were acting with him, were making this a party question. The noble Lord, impressed with a conviction of the feelings which actuated him and his party, had charged those who were opposed to them, with making the present a party question. He threw back upon the noble Lord his own assertion, and the imputation which, feeling he deserved it so well himself, he endeavoured to fasten upon others. He admitted that the House struck out the 147th clause of the Church Temporalities Bill, on the occasion alluded to by the noble Lord; but, in his opinion, they disgraced themselves by doing so. That side of the House had, however, since that time, got rid of the noble Lord the Member for North Lancashire, and such cases were not likely to occur again. If, as the noble Lord said, they were only contending for a shadow, why did not he and his friends give it up, instead of casting blame upon that side of the House, for retaining the principle of appropriation? If he were to state his candid opinion, he would at once admit that neither Bill was sufficient for the purpose. He should be acting dishonestly if he did not candidly declare, that, in his opinion, it did not go far enough. But was there no choice between the two measures? Was not one measure far preferable to the other? And was he not bound to take that which he had no doubt would be productive of much good? In supporting the Bill of the noble Lord (Morpeth) he did not consider that he compromised himself; for by doing so, he did not say that he would not support a further demand, when time and place suited. Did hon. Gentlemen opposite really believe that if either of these Bills passed, they should be able to stand still. If he could suppose that this Bill would be looked upon as sufficient, he would vote for its rejection on that ground. The great advantages of the Bill of the noble Lord were, that while it gave a sufficient remuneration to the clergy, who discharged their religious duties, it did much to get rid of sinecure livings and benefices, in which there were no members of the Church; and, above all, it declared the principle of appropriation. The measure of the noble Lord, he repeated, was not, in his opinion, sufficient; but it was a thousand times better than the Bill sent down from the Lords. He was happy to find that the people of Ireland remained peaceable, notwithstanding the treatment they had received elsewhere. The truth was, however, that the people of Ireland had confidence in the majority of that

House, and they quietly took what had been done for them, as a guarantee that something further would be done. It was evident from the language used by the noble Lord, that his party had been too long in place; for he, as well as others, said, "I will grant you this; I will give you that; but I will not concede such and such things." But he would reply, that he did not want what the noble Lord would give, for he knew that some of the party opposite would not willingly give any measure calculated in the slightest degree to satisfy the people of Ireland. He had no doubt that the present Bill would give the people of Ireland confidence in the present Ministry. He did not mean to say that there were not faults in it, but still it contained the seeds of improvement; and here he could not help expressing his satisfaction at the progress of improvement that was observable in that deluded country; and he had such confidence in the noble Lord at the head of the Government of Ireland, that he had no doubt, that peace would continue there, and greater benefits and improvements be worked out under the noble Lord's direction. He thought that they had proofs of all kinds from Ireland, that there was a dawn of better government there. He never recollected a period when Ireland was more peaceable than it was now; and certainly this was hardly to be expected after the rejection of the Irish Municipal Bill, and the virtual destruction of the Church Bill by the other House. The people of that country had been treated almost contemptuously by that House, and he did not expect to see such a state of things realized as he was happy to find was the case. If the noble Lord, and those who sat around him, had their wills in the Government, it would be attended with the most disastrous results. Was not the state of improvement manifest in the diminution of crime that was so obvious during the present circuit. The avowal of the principle of appropriation in the Bill of the noble Lord would be attended with immense benefit in Ireland. He believed that the property of the Church in England, as well as that of the Church in Ireland, was public property. If then it was public property, it should be applied in such a manner that it would be productive of the greatest portion of good. They took upon themselves to appropriate the public money to the army and the navy, and he did not see why they should not have equal control in appropriating the public property granted to the Church. He contended, so far from the large revenue of the Church being distributed in a manner calculated to support religion, that the very excess and inequality of it, did more to damage the Church of Ireland, as well as the Church of England, than anything else. It was the duty of the House to distribute the revenue of the Church in a better manner, and to dispense with the payments of salaries to clergymen, where there were no duties to perform. The right hon. Baronet, in the course of his observations, had put a question, but in doing so he turned to hon. Gentlemen behind him, as if he were ashamed to face those on that (the Ministerial) side of the House; he asked whether 200*l.* was too large an income for a clergyman, who was a man of education, and who was expected to maintain a certain station in society, as well as to support a family. He (Mr. Hume) would, in reply, advise the right hon. Baronet to look to his friends in this country. The right hon. Baronet had been many years in power in this country, yet, if reference were made to the situation of those who were the most active and intelligent of the clergy—he meant the working curates—it would be found that there were 5,230 curates in this country, who had to live on the average income of 81*l.* a-year. In every parish in England, a large portion of the population belonged to the Church, and yet the right hon. Baronet had not taken any steps to alter the state of things which existed in this country. He admitted that there were many Dissenters in England, but they did not bear anything like the same proportion to the members of the Church, as the Dissenters in Ireland did. It appeared, then, that the right hon. Baronet, in his zeal for the Irish Church, contended that it would be unjust to give less than 200*l.* a-year to each clergyman, but at the same time had not appeared disposed to exert himself to improve the condition of the 5,230 curates in England, who were only allowed the small pittance he had described. Was not this an inconsistent course of proceeding? For his own part, notwithstanding what had been said by the right hon. Baronet, he was of opinion, that what had been done by the Peers should be altogether disregarded by the House. The right hon. Baronet was only endeavouring to induce the House to support a Bill which had been, in fact, rejected before this Session. The right hon. Baronet had taken his stand against the principle of appropriation, but he (Mr. Hume) trusted that the House would adhere to that principle. He did not see why the clergy should not be paid as they paid the soldiers and sailors; and it happened that the latter were quite as useful as the former, and not nearly so well paid. The whole of the troubles and dissensions in the Church seemed to arise from an anxiety to partake of the loaves and fishes. It happened, both in the Church of England and in the Church of Ireland, that there was a greater anxiety manifested to see how much could be got of the revenues, than to endeavour to reward those who did their duty best. He was surprised at the conduct pursued, and at the language used, by the noble Lord (Sandon), when he recollected the noble Lord's exertions, both in that House and out of it, in the cause of education. The noble Lord had exhibited the most disinterested and zealous exertions out of the House in support of education; he was, therefore, surprised that the noble Lord could adopt the principles that he had that night advocated in the House; for he refused to take a revenue from useless sinecures; for the education of the Irish people, but recommended that the people of England should be taxed for that purpose. But did the noble Lord really think that the people of England would grant money for the education of the Irish people when there was such enormous funds in the possession of the Church? The noble Lord, however, said that the e were no surplus funds—that the appropriation fund was a mere shadow, if this were the case, why did he oppose the motion. He however, called upon the House to support this most important principle of the Bill, namely, the principle of appropriation. If his Majesty's Ministers showed any disposition to give up this principle, they would not only injure themselves, but they would do much to injure the cause of good government and Reform. The right hon. Baronet had pointedly asked, why did Ministers go on with such a small majority as twenty-six. He would refer for an answer to the right hon. Baronet's speeches at the commencement of last year. He begged the right hon. Baronet to recollect what was then the state of his party, and what was the language he then used. At the time he had given the right hon. Gentleman credit for the manner in which he had then expressed himself. He then said, that although he was then in a minority of ten, he did not feel called upon to give way, as he thought that he might convince Members of the justice of his measures; but when he found that the majority amounted to twenty-seven against him, it was a very different thing, and that he could not reasonably expect to get the better of it. It was rather extraordinary, then, for the right hon. Baronet to rise in the House and taunt the Government with continuing in office when they were only supported by a small majority, when he (Sir Robert Peel) continued in office some time, notwithstanding he was in a minority. The truth was, Gentlemen opposite forgot themselves, and like certain animals when they shut their eyes, thought that nobody could see them. The right hon. Baronet apparently quite forgot that others could and were observing him. Such conduct reminded him of the Chinese, who were always talking of their ruler as their Great Eye, which was superior to all others, did the right hon. Baronet suppose he was all eye. The right hon. Baronet had alluded to the Lords' being with him and against the majority of that House. That was no reason, in his opinion, why the Commons should give way. He would have the Lords keep to their own chamber, and let that House have less of them. He admitted that a majority of the Lords was against them, but was that a proof that the feeling of the people was against them? Some of the Peers last year stated that the Representatives of the people could not take proper care of the interests of their constituents, and that therefore the Peers would take that trouble upon themselves. The people, however, knew too well what sort of guardianship this would be, and would have nothing to do with it. He admitted also that the right hon. Baronet had a minority voting with him in that House of not less than 300, but he trusted that he would not have this number long. He said this with confidence, because his side of the House acted on fixed principles, and were therefore, likely to get converts, but this was not the case with the other side. The noble Lord never made a more just observation than he did respecting party spirit influencing hon. Members in their conduct on this question, but the observation was only applicable to the other side. Those with whom he voted were in a majority of twenty-six in the last division, when the right hon. Baronet was in office, and notwithstanding all his exertions he had not been able to break it, and certainly he would not be able to do so if they were true to themselves, and to the cause of the people. He would not belong to a party if he did not think that they acted in such a way as to promote the good of the country at large. Could hon. Gentlemen opposite conscientiously declare in that House that in opposing many measures, and in supporting this Bill as sent down from the Lords, that they were advancing the interests of the people. Certainly they might promote the interests of a few, but this was not benefiting the great body of the people. They had, however, been so long accustomed to office, that their hopes led them to believe that the present Government would not last long, but that a change would soon take place by which they would attain power. He begged the right hon. Baronet to recollect that when he was in the citadel with all his troops he could not prevail, did he, then, suppose that he could triumph over his opponents when they were in possession of the fortress? He admitted, that he did not agree with the Government in all points, for he was sorry to say, that they were much more ready to attend to their enemies than they were to their friends. If he and others recommended the adoption of a measure, it did not receive the same support as it would do if it came from the other side. The right hon. Baronet had indulged in all sorts of prognostications of danger, but he (Mr. Hume) was old enough to recollect that similar assertions were made when the Catholic question was brought on, and which were most often answered by the right hon. Gentleman as well as by other Members. He conceived that they would be acting wisely in yielding to the wishes and granting the just demands of the Irish people. It had been said, that by carrying this measure they would inflict a blow on the institutions of the country. He agreed that they would strike a blow, but it would be against exclusive Protestant interest in Ireland; he trusted that it would be the deathblow to Orangeism in Ireland. The six or seven millions of Catholics in that part of the empire had hitherto been regarded as nothing, but now he trusted that such a blow would be levelled at their opponents as to deprive them of their unjust and exclusive privileges. It was because he saw this advantage likely to follow, that he warmly anticipated great good from this measure. He must, however, add, that he thought that by this time his Majesty's Ministers had seen sufficient to prove to them the propriety of giving a much better measure at once than the present was. As this Bill contained the appropriation principle, which he thought was a matter of great importance, he should give it his support and he trusted that on the division, Ministers would have a larger majority than they had when they came into office on this principle.

Mr. *Shaw* observed, that the hon. Member for Middlesex, had frequently claimed credit throughout his speech for candour, and he (Mr. Shaw) owned the hon. Member was entitled to it with, however, one exception. The hon. Member should have had the fairness and candour to inform the House what that class of animals was who thought they could see nothing but themselves. He could not but suspect, that the right hon. Gentleman opposite (Sir J. C. Hobhouse) who so loudly cheered, and had so frequently made suggestions to the hon. Member throughout his speech, had given him a hint of the simile. The hon. Member had, indeed, been candid in admitting first, that this was a party question, and surely, to use the expression of the hon. Member himself, he could hardly "brazen it forth," that the party spirit in that respect was on his side of the House, for the hon. Member could not forget that it was in that spirit alone, that his appropriation principle was introduced by those with whom the hon. Member now acted, admittedly for the purpose—and it served that purpose—of removing the right hon. Baronet from office; and it was the same tie which, for a time, held together the hon. Member (Mr. Hume) and his Majesty's Ministers, without any real bond of union between them. The hon. Member himself indeed admitted, in further proof of his candour, that while his Majesty's Ministers recommended this measure as a final and a permanent one, he only regarded it as a first step in that principle of alienation for which alone the hon. Member, gave this Bill his support. The hon. Member said he regarded it as but a first instalment—as the insertion of the point of the wedge by which he hoped ultimately to break up and destroy the Established

Church in Ireland. It was extremely difficult to argue the question with the hon. Gentlemen who composed the majority on the opposite side, their own opinions being so entirely opposed and contradictory to each other. Considering all the circumstances under which the question was again submitted to the House, and how completely every argument upon it had that night and previously been exhausted, he would make as few observations as possible, and they should be directed to the single point upon which he conceived the decision to be come to that night ought to turn. He would not argue with the hon. Member for Middlesex the trite question of whether or not the property of the Church was public property, nor as to the abstract right of appropriation. He was willing even to admit with Mr. Burke, that although the State was not the proprietor for use, yet that it was the guardian and regulator of all the property within it. It was not for the purposes of this argument necessary to decide whether, under any supposable circumstances, if an Established Church was to be maintained, it could be justifiable to appropriate any portion of its revenues to other than ecclesiastical purposes. He thought not, but at all events he could prove that no such circumstances existed in the present case. The question was not, at least it was not professed, though perhaps it ought to be, whether or not we were to have an Established Church in Ireland at all; nor was it whether, that was to be the united Church of England and Ireland, as established by law and confirmed and guaranteed by the most solemn national compact. There was between the Government and those with whom he (Mr. Shaw) acted no present controversy on these points, but the immediate and practical question at issue between them was this—whether, in the existing state and circumstances of the Church in Ireland, there was any portion of its property which it was just and right to divert to any other than its own proper purposes? To that point alone would he apply himself, and he undertook, upon the principles and the showing of the Government themselves, to demonstrate to any reasonable and unbiassed mind, that the surplus for which they contended was perfectly ideal—that it was not only non-existing now, but that they had utterly failed to show, that it ever could exist, and therefore they were but making this question a stalking-horse to carry some other object. They were, in the words of the hon. Member for Nottingham (Mr. Denison), rejecting an available good for a shadowy benefit—practising an unworthy delusion upon the House and the country—striving to legislate vainly and mischievously upon a mere hypothesis; in short, disputing about the shadow of a principle, while they neglected and refused the practical settlement of the important question of Church property and Church improvement, to which they were invited, and in respect of which they would be sincerely and cordially met, with a view to its permanent and liberal adjustment, by the clergy and the friends of the Established Church in Ireland. He would not trouble the House with fractional calculations or minute details, but often as he had trespassed upon the House, he had, from accidental and other causes, troubled them but little on the present question, and he trusted therefore the House would allow him generally and in round numbers, and as shortly as he could, to state to them the present condition and circumstances of the Church in Ireland. First, as to the much exaggerated and misrepresented subject of church property. He particularly claimed the attention of the hon. Member for Middlesex, who had frequently stated the property of the Church in Ireland to amount to 3,000,000*l*. What was really the fact? That its whole amount, including tithes, glebes, ministers' money, and the incomes of the bishops and dignitaries of the Church, and also the property of the Ecclesiastical Commissioners, was, in round numbers, 600,000*l*. In this calculation he deducted the twenty-five per cent. allowed by this Bill, and the exact entire amount of the future church property in Ireland would be 613,140*l*. 10*s*. 9*d*. Often as this had been stated and proved, he really believed that prejudice had taken such strong hold of the minds of the hon. Members opposite, that they had scarcely yet brought themselves to believe it. In round numbers the 600,000*l*. was made up in the following manner — clerical property, 400,000*l*.; bishops and dignitaries, under 100,000*l*.; and the Ecclesiastical Commissioners something more than 100,000*l*. First take the clerical income; that would be, as he had stated, 400,000*l*. a-year, and the number of resident clergy doing duty, including curates, was above 2,000, affording an average income of 200*l*. each, to a better distribution of which he did not object, and this Bill provided for it. He would then ask was there any hon. Gentleman who, desiring the promotion of the Protestant religion in Ireland, would consider the number of 2,000 clergy too many for that purpose, when they were judiciously placed, and their income better distributed? But, independently of the higher considerations of religion, and notwithstanding the taunt of the noble Lord (Lord J. Russell) as to country gentlemen in black coats, he (Mr. Shaw) would contend that where there were few or no resident gentlemen in coloured coats, no rational person who wished to see Ireland civilized, peaceful, and happy, would deny the advantage in a civil point of view, of having 2,000 educated gentlemen and their families scattered as residents throughout that country, practising hospitality and charity, fulfilling the various relations of society, and living in friendly and social intercourse among the people? And what was the entire income of those 2,000 gentlemen and their families? A sum not greater than was possessed by some single noblemen in England, nor so great as was drawn away by a few individual absentees from Ireland. The same might be said in regard to the bishops, comparing their incomes with their various important and expensive duties and liabilities. They might be considered as forming a large portion of the few resident noblemen in Ireland, communicating in a much greater degree the advantages of such a residence around them, and having amongst the entire twelve an income of 60,000*l.* a-year—a sum not equal to what some single absentee nobleman abstracted from that country. Then as to the property of the Ecclesiastical Commissioners. Their principal item of expenditure was to supply what had been formerly provided for by the vestry cess, and that in relief of the occupying tenantry in Ireland. That item amounted to 60,000*l.* a-year; the expenses of the commission, 10,000*l.*; making, together, 70,000*l.* Their present income was about 25,000*l.* a-year; leaving an annual deficiency of 45,000*l.* In the year 1853, the income, supposing it all to be accurately paid, would equal the expenditure; but, until that year, there would be a constantly increasing debt. After that year the income would continue to increase, and upon an accurate calculation made by Mr. Finlayson, the increase constantly applied to the liquidation of the debt would clear the debt off in the year 1873. Then the fund was charged with the augmentation of small livings, the buildings of churches and glebe-houses, which, added to the 70,000*l.*, a-year he had already mentioned, would, according to Lord Grey's calculation, require a yearly expenditure of 146,000*l.* being 40,000*l.* a-year more than the entire future income of the ecclesiastical commission—a charge far beyond what the perpetuity purchase fund could ever supply. With regard to the building of churches, the Commissioners of Public Instruction returned 196 places where service was performed in schools and other licensed houses from want of funds to erect churches; and he held a return of twenty-one such places in the diocese of Cork alone. From want of funds the Ecclesiastical Commissioners were obliged to refuse the money for even the payment of the rent of these licensed houses, for the celebration of divine service; and yet they were told of a surplus. Then as to glebe-houses, as his right hon. Friend (Sir R. Peel) had already stated, there were only 850 benefices with glebe-houses, while according to the admission of the noble Lord (Morpeth) himself, 400 more were still required, and if residence was the object, was there here no deficiency of funds instead of the boasted surplus? He had undertaken to prove to the noble Lord that, according to the noble Lord's own calculation, no possible surplus ever could exist. The noble Lord had stated the surplus at 97,000*l.*, but he had omitted the following items which were to be deducted from it:—

Tax to be paid to the Ecclesiastical Commissioners - - -	£20,000
Sinecures and suppressed benefices to go to the Ecclesiastical Commissioners - - -	22,000
Glebes overcharged - - - -	10,000
Loss on revision of compositions - - - - - - - -	10,000
Supposing the lay patronage to be 50,000*l.* the loss on purchasing, at twelve years' purchase, would be - - - -	25,000
Rent-charge on collection 2½ per cent - - - - - - - -	9,000
	96,000

Besides which the noble Lord (Morpeth) proposed to leave 1,250 benefices, and to give to each thirty acres of land, which is to be exclusive of incomes.

The glebes being so small must be good land, say worth 20*s.* per acre; 1,×25030 comes to - - - - - -	37,000	
Glebes are of no use without houses—there would be 400 of the above benefices without houses. Suppose them, on an average, to cost 700*l.*, this would amount to 280,000*l.*, which at four per cent. interest, would come annually to,	11,200	
	144,200	
These various items making a sum of 144,200*l.* were to be set against the noble lord's surplus of - - - - - -		£97,000

In respect of residence, the facts of the Irish Church had been as much mis-stated as with regard to its property. There were in round numbers of beneficed clergy and perpetual and impropriate curates, about 1,400 in Ireland. Of these there were resident and doing duty, notwithstanding the want of glebe-houses, about 1,200; leaving non-resident about 200, of whom there were 100 doing duty, but what were termed pluralists—a class constantly diminishing, and to which there was no addition now making in Ireland; and this left but 100 really non-resident, for the casualties of illness, want of houses in the parish to reside in, and all other causes. It was said on the opposite side, that until the appropriation question was raised, no attempt had been made by the friends of the Irish Church for her reform. But the statement was completely opposed to the real fact. There was at present in force in Ireland, the Act of the 5th George 4th introduced by his right hon. Friend (Mr. Goulburn), a most stringent Act for the enforcement of residence, vesting strong powers for the purpose in the bishop of the diocese, and authorising him in case of the incumbent's absence, to allow a salary to the officiating curate up to the sum of 200*l.* As to unions, the 7th and 8th of Geo. 4th, gave a power to dissolve them, and to disappropriate sinecures and dignities, and to confer them on the vicars and perpetual curates. Under the Church Temporalities Act, every sinecure will be suppressed on the next vacancy, and as regarded pluralities, they were all, as he had before stated, in process of extinction, for two livings could not be held without a faculty from the primate, and he had refused to grant any for many years past. Such, then, was the present condition of the Irish Church Establishment—not bad, he would contend, when the circumstances under which it was placed, and the many difficulties with which it had to contend, were fairly considered. Still he (Mr. Shaw) desired anxiously to render its condition better and to adopt every measure which would conduce to its real improvement. He maintained, however, that the tendency of the measure recently introduced by his Majesty's Government, and passed through that House was not to dissolve unions and pluralities, but to form and increase them—not to promote residence, but to prevent it; and instead of improving the condition of what hon. Gentlemen opposite called the working clergy, to take away the means of their employment and support. He objected to the distribution of parishes proposed by that Bill, as sent up to the House of Lords, its obvious object having been, not the extension of it, but to limit the influence of the Protestant religion in Ireland. So, with regard to the scale of clerical income and the doctrine of proportion recognised by that Bill, he protested against them as hostile to the essential principle of a Church Establishment, and degrading to the clergy as compared with other learned and educated professions. With regard, then, to the much talked of subject of education, there was, he believed, no Member of the House who would refuse to vote any sum necessary for that purpose. He (Mr. Shaw) objected to the particular plan of education pursued by the present national board, but he was the zealous advocate of such a sound and general system as he believed might be advantageously adopted in Ireland. If, however the object were to establish a system of united and harmonious education, he would ask if it was not against every principle of reason, common sense, and human nature, to hope to advance such a system, by holding it out as a condition to the Protestants, on the one hand, that the means must be provided from a fund which they considered sacred to the purposes of their own religion, and by exciting the Roman Catholics on the other, to be satisfied with no other means for their education than such as could be taken from the spoils of the Protestant Church? In short, there was no objection to educate the Roman Catholics, but there was every objection to rob the Protestant clergy for that purpose. If the Government refused the settlement of this question now offered by the friends of the Church, the clergy could not starve—neither could they again appeal to the generous sympathies of the English public. They must, however unwillingly, have recourse to the law, and the law must necessarily be supported. He deprecated as much as any one the unnecessary use of extreme remedies. He did not wish to substitute the medicine of the law for the people's daily food; but if the evil were extensive, and the infection spread far and wide throughout the country, so must be the remedy. He believed, that the present feeling of the majority of the Irish clergy was unfavourable to any further attempt at legislation; for experience had taught them, that every concession they had made, had only led to fresh demands, and every Bill which had been announced as a measure of final settlement and peace, only led to more interminable confusion and hostility. Notwithstanding, however, that very natural result on the minds of a great part of the Irish clergy, he (Mr. Shaw) possessing, as he trusted he did, their confidence, and yet bound at all times freely to deliver and act upon his own opinion, did on their part desire that this long litigated and difficult question should be permanently, justly, and satisfactorily terminated. The noble Lord (Lord J. Russell) had said, that he (the noble Lord) and those with whom he acted were pledged to a principle and could not depart from it. He, however, would ask the noble Lord in the name of common sense not to tack that principle to a measure with which it had no necessary connexion, and thus to prevent the practical settlement of a great and important question. Let the noble Lord beware lest, if he set the precedent, it might possibly be hereafter followed, and the noble Lord's authority quoted by some of that party who now gave their hollow support to the noble Lord, by an attempt to tack to some indispensable measure, such as the Mutiny or Appropriation Bill, a declaration in favour of the vote by ballot, universal suffrage, or any other favourite theory of the hon. Gentlemen opposite. Let the noble Lord, if he pleased, assert his barren principle in some distinct and separate measure: bnt if the noble Lord made the consent to such a principle, the condition of a bill for the settlement of tithe property, and wholesome church form in Ireland, he could assure the noble Lord, in the language used by the distinguished prelate who presided over the Irish Church, and which was deeply impressed on his recollection, when, in answer to an address presented by the laity of the Irish Church, that eminent individual had used the following words:—"I feel that I am giving utterance to the united sentiments of the Irish clergy, when I declare that they are prepared, one and all, to make a cheerful sacrifice of every earthly possession, and even of life itself, for the maintenance of that Church in which, by God's grace, they have been called upon to minister." He would conclude, as he had commenced, by entreating the noble Lord to abandon his abstract theory of a non-existing surplus, and to unite with the friends of the Irish Church, and all reasonable men, in bringing to a final and satisfactory adjustment, that question which the Government themselves not only admitted, but as the noble Lord, the Secretary for Ireland, earnestly urged, essentially involved the good order, the settled government, the present peace, and permanent prosperity of Ireland.

Mr. *O'Loghlen* said, there were two questions under the consideration of the House: the motion of the noble Lord to postpone the consideration of the Lords' amendments upon this Bill, to that day three months, and the amendment of the right hon. Baronet that those amendments should at once be taken into consideration. Any one who had heard for the first time the discussion which had that evening taken place upon the subject of Irish tithes, would possibly be led to imagine that some entirely new proposition was contained in the Bill as sent down from the Lords, and that the measure was one which had never before been discussed and decided upon by that House. The House of Lords proposed, that twenty-five per cent. of tithe composition in Ireland, should be taken from the clergy and given to the landlords, and this proposition was one which hon. Members opposite called upon the House joyfully to accede to as a final and satisfactory settlement of the question. Now, in the year 1834, it happened that a Bill was sent up from that House to the House of Lords, where it was thrown out by a majority of sixty-seven, which Bill contained a proposition conferring upon the Irish landlords a benefit of forty per cent., instead of twenty-five. Comparing the observations which fell from certain hon. Members in opposition to the Bill of 1834, with their support of the present Bill, as it came from the Upper House, both Bills being similar in every respect, except that the present Bill benefitted the landlord only twenty-five per cent., whereas the other gave him forty, he (Mr. O'Loghlen) was certainly somewhat at a loss to understand the principle upon which the hon. Members in question proceeded. The Bill which gave forty per cent. was loudly inveighed against; the present Bill as warmly supported; yet was the difference; simply that the landlords' advantage was reduced to twenty-five per cent.; the application of the remainder of the church property was to remain precisely the same. As an instance of what he had alluded to, on the 4th August, 1834, the right hon. Gentleman opposite (Mr. Shaw) spoke as follows:—"Two-fifths of the tithes are actually to be pocketted by the landlords. It would be a mockery to suppose that a miserable expedient, involving such a gross violation of all principle and justice, can ever succeed in tranquillizing Ireland." Yet the same right hon. Gentleman now called upon the House to adopt a Bill precisely the same, with the exception just stated, because, he said, it would restore peace and tranquillity to Ireland. That was to say, that a *bonus* of forty per cent. to the landlords in 1834 was nothing at all, while a *bonus* of only twenty-five per cent., in 1836, would infallibly lead to a permanent and satisfactory settlement of the whole question. The noble Lord asked, what there was in the Ministerial proposition which would render it more palatable to the people of Ireland, than the Bill as sent from the Lords. The answer to the noble Lord simply was, that the Ministerial plan involved the great principle of the diffusion of moral and religious instruction among the whole people of Ireland, and the reflection that so great an object was provided for out of even a portion of the tithe, would give to the people of Ireland, an interest in the payment of tithe, and in some degree reconcile them to it: it would at any rate give them a very different feeling in reference to it than when, as now, they were called upon to pay an impost in which they had not the most remote interest. The noble lord seemed to say that there was a difference between this and the former measure, inasmuch as the landlord here undertook the whole of the payment, and the right hon. Baronet talked about the transfer of liability, in consideration of which the landlord was to pocket twenty-five per cent. Now, as to this said transfer of liability, everybody knew that one-half of the landlords in Ireland at this very moment were liable to the whole of the tithe composition. There was certainly a statement about this same transfer of liability in the preamble of the Bill, but this in no way enforced the argument. The great point in opposition to the desired principle was, that no part of the property of the Church ought to be alienated for other than ecclesiastical purposes. This being the ground upon which hon. Gentlemen on the other side of the House took their position, in hostility to the appropriation principle, it was somewhat unaccountable to him how those hon. Members could reconcile it to their conscience to consent to give twenty-five per cent. to the landlords. Why was the principle just stated so warmly adhered to in the one case, while it was with so much facility abandoned in the other? In giving the landlords the twenty-five per cent., hon. Gentlemen opposite at once departed from the principle upon which they affected to set out. In fact the whole alleged principle had been departed from in the Diocesan Schools Bill of 1812. It was said that this Bill would give satisfaction to the Irish people; but he was satisfied that no measure, which did not recognise the principle of appropriation, would give them satisfaction. Even if that principle were not enforced now, it must be necessarily brought forward again and again, until it were conceded. He had not intended to take much part in the present discussion, had he not been compelled in self-defence so to do from a circumstance which had occurred elsewhere. In another House a direct allusion had been made, involving a charge against him, both as to his character as a Member of the House of Commons and his conduct as a Member of the Government. The situation which he held in that Government led to one circumstance—namely, that his name appeared on this Bill as one of the persons by whom it was brought into the House. It so happened, however, though he did not allude to the circumstance from any desire to shrink from any responsibility which might be attachable to him—but it so happened that until the Bill was given printed into his hands, as a Member of the House, he had not seen it. He mentioned this circumstance simply because the appending of his name to the Bill had been made the foundation for a most unwarrantable and unjust charge against him, both as a Member of the House and as a Member of the Government. He had found in one of the newspapers published in this city an observation attributed, no doubt erroneously, to a right rev. Prelate, in which a charge was directly made against him of having violated his oath, of having committed an act of tremendous perjury in promoting this measure. Such a charge he was sure could not have really proceeded from the right rev. Prelate, for he could not imagine that a minister of the Christian church would take advantage of any situation in which he might be placed to pour out upon one who had never offended him in the slightest degree the overwhelming charge of having violated his oath in the discharge of his duty. He was, therefore, bound to believe that the whole matter must be a fabrication; an unwarrantable liberty taken with the name of the right rev. Prelate. And he was the more disposed to regard it in this light from the circumstance that having looked over the records of the proceedings of the other House, he found that, on the 8th of July, 1834, upon the occasion of a petition being presented, stating, among other things, "that certain individuals of the Roman Catholic religion who had sworn not to use any political power that might be granted to them to disturb or overturn the Protestant religion, had not adhered to that oath;" the right rev. Prelate in question said, "I think that the petition must be rejected on another ground, because, though the passage has not excited or called forth the animadversion of the noble Earl, the petitioners charge certain Members of the Imperial Parliament with perjury. This is the part which, in my opinion, renders the petition unfit to be received by this House." The right rev. Prelate, then, who in 1834 would not allow the statement of a petition to be laid on the table of the House, because it charged Members of Parliament with the violation of their oaths, was said himself, in 1836, to have made a similar charge. But there was another reason for supposing that this statement was incorrectly attributed to the right rev. Prelate. In the third Report of the Commissioners of National Education in Ireland there was an allusion to a pamphlet, purporting to be the report of a speech, which, if it were not the speech of the right rev. Prelate, some person must have been taking a most unwarrantable liberty with his name. From the report it appeared that "the author having formerly predicted that no Scripture extracts would ever be used in our schools, his prediction failed, and it seems he has been told so. As he had declared himself desirous that extracts should be used, it might perhaps have been expected that he would express satisfaction at finding that the fact was as he desired, though not as he predicted; but instead of doing so, he makes it matter of charge against Dr. Murray that the extracts have been sanctioned by him. He says "When I ventured on that prediction, with the falsehood of which the noble and learned Lord reproaches me, I did what he called on your Lordships to do—I believed the declaration of a Roman Catholic archbishop made upon his oath. In doing so I own that I was wrong; I own that I have justly subjected myself to the taunt of the noble and learned Lord, and I promise him that I never again will offend in like manner. But true it is, my Lords, that I said in 1832 that no Scripture extracts could be agreed upon by the different members of the Board. I said this because I was sure that the Protestant Commissioners could not consent wholly to abandon the Protestant version of the Scripture and to adopt the Douay in its place." Now he found, (though in the pamphlet it was attributed to the Archbishop of Dublin, Dr. Whately, Dr. Carlile, and other members of the Commission of National Education that what they had stated "was not only not true, but contrary to the truth") that it was asserted in the report of the Commissioners of Education in Ireland. "A portion of the word of God is daily read from our Scripture extracts; and, at stated times, the Protestant and Roman Catholic parochial clergy attend and give religious instruction. This is our practice; it is the very reverse of what might be inferred from the pamphlet. Perhaps the author was unacquainted with it; we hope he was; but then it should be recollected that he who makes statements against his neighbour, without taking the proper means of ascertaining whether they be true or false, sins greviously. The two great commandments in which our Lord sums up Christian duty are 'To love the Lord our God with all our heart, and to love one's neighbour as one's self;' and it is hardly possible to violate both of them in one act more effectually than by promoting the dishonour of God through the means of a slander of one's neighbour." When he saw the Archbishop of Dublin, a minister of the Protestant Church, Dr. Sadlier, also a minister of the Protetant Church, and Dr. Carlile, a minister of the Presbyterian Church—when he saw them branded with having uttered that which was not true—when he saw the writer of this pamphlet promoting the dishonour of God through the means of a slander, and thus, for factious purposes, violating the two great commandments in which our Lord sums up the Christian duty, " To love the Lord our God with all our heart, and to love one's neighbour as one's self," he thought he was warranted in assuming that the person who had made the charge against him was the same person as had published the pamphlet, and in ascribing it to the right rev. Prelate had made an unwarrantable use of his name. The charge which had been directed against himself he could pronounce to be a foully false calumny. He never would cease to protest against the doctrine that as a Member of this House he was not at liberty to give his opinion on any questions submitted to it for consideration. If such a doctrine were to prevail, he should say that no Roman Catholic ought to be permitted to have a seat in the House. The hon. Gentleman opposite might think that right, and if such was his opinion, he did not blame him for declaring it; but he would say, that if this principle were once admitted, they ought to expel every Roman Catholic Member from Parliament. He knew, and he believed the constitution knew, no such functionary as a person called a representative of the people who was not entitled to give his vote as his conscience dictated. See what it would come to. If any Member of this House were to say that in his opinion any measure proposed to this House would be injurious to the interests of the Protestant Establishment, no Roman Catholic Member could vote on it. How could he act? Was he to go with the minority or the majority? How was he to act if his own judgment were not to guide him; and how was he to be certain that the opinion expressed to-day by hon. Members in the course of their Parliamentary duty, might not undergo a change in the course of a short time? The hon. Member for Dublin's University denounced the measuse of 1834, and called on them now to oppose this measure. He had seen several Gentlemen, all voting that the system of education in Ireland was a mutilation of the Scripture, and saw them all now favourable to it. He put forward these circumstances, not with a view of taunting any person with having changed his view of a particular measure—no such thing, but to show the difficulty of binding the Roman Catholic Members of Parliament, so as not to leave them at liberty to act according to their own judgment. Might he not show that a right rev. Prelate was a violent opposer of a measure in 1827, and yet in 1829 a supporter of it? There might be such a case as that, and he was not saying, that persons had not a right to change their opinions. As regarded the measure before the House, did he not see it approved by persons who were as sincerely anxious for extending the Protestant religion as any that heard him? This clause even had received the sanction of some most anxious supporters of the Protestant religion. If they admitted the Roman Catholics to Parliament, where were they to stop? who should lay down the boundary over which they must not pass? It was impossible to maintain the doctrine that they were to be bound by any obligation other than that of their conscientious opinion. He would read to the House the opinion delivered by an hon. and learned gentleman (Sir Charles Wetherell), on the 30th of March, 1829, being then the Member for Boroughbridge. In the course of the debate on the Roman Catholic Relief Bill he said:—

> " Suppose the hon. Member for Colchester to rise and move the appropriation of Church property to other than their present objects, and the hon. Member for Montrose to second that motion, do you mean to tell me that the Catholic would be acting against his Parliamentary oath if he sanctioned such a measure, so moved and seconded by Protestants, and probably supported too by sixty or seventy other Protestants in this House, would the Catholics be restricted from supporting that vote by the oath in the Bill? Answer that—let the casuists from Oxford or Cambridge answer that if they can. I was asked a question, I answered it: and now, in my turn, I ask, I

invite, I challenge any man in the House to stand up in his place and answer my question: I ask 'do you or do you not, when you give the Roman Catholic Legislator power, restrain and restrict him from voting in his legislative capacity as he pleases.*

He claimed the benefit of the opinion that had been candidly given by the eminent lawyer he had quoted, in justification of his vote, and in defence of his character. Some of the hon. Members opposite were exceedingly anxious to give the people of Ireland a religious education, and to that purpose was the revenue to be taken from the Church to be devoted. That might be called an ecclesiastical purpose, and the appropriation proposed was to strictly ecclesiastical purposes. He had heard it said, that nine-tenths of the landed property was in the possession of the Protestants. Suppose that to be the case—suppose that amount of property to belong to the Protestants, could they, could he, tell the Catholics that they ought not to object to the payment of Church-rates because the small number who belonged to the Church were in the possession of so large a proportion of the landed property? It appeared to him that it would be a severe satire to affirm, that they who possessed nine-tenths of the property, and who had 613,000*l.* to support a Church for 800,000 persons, could not spare any portion of that large amount of revenue for the education of the Roman Catholics. Attempts might be made to excite the prejudices of the people of England by raising the cry of "the Church in danger," and by other ingenious devices, but did they believe that they could make a convert of any person who was a Roman Catholic by the terror of the writs of rebellion and the large costs of suits in the Court of Exchequer? Did they imagine they could extend the Protestant religion in that way? It would be a better remedy for the evils of which they complained to give their support to this Bill. He knew that in voting for it he should be denounced as an enemy of the Established Church. He might be called a "tremendous perjurer;" if he were he could not help it. He denied that he ever was an enemy of the Protestant Church, or of the Protestant clergy; many of his best friends were members of the Protestant Church. He would say, that he was indeed an enemy of that Church who in any way tried, whether by political intrigue or otherwise, to raise himself to a station which he ought not to occupy, and who, having attained to it, instead of devoting himself to the promotion of peace and good will among men, mixed in political strife, showed himself the slave of those bad, of those bigotted passions which disfigured human nature, and became the propagators of any calumnies which malice or bigotry might invent.

Sir *James Graham* begged, though with reluctance, to trespass on the attention of the House while he offered a few observations on this question. He was unwilling to give a silent vote, but he should detain the House for only a short time. He did not propose to address himself to all the topics which the hon. and learned Gentleman opposite had adverted to in the course of his speech. A great portion of the address of the hon. and learned Gentleman certainly was not immediately connected with the question before the House; therefore he trusted that the House would pardon him if he did not much dwell upon that portion. The hon. and learned Gentleman had adverted to the circumstance of the oaths taken by Roman Catholics. He was himself a strenuous supporter of the Roman Catholic Relief Bill; and he begged to say, that if he had not felt that the Roman Catholic Members of this House could be bound by an oath as strictly as the Protestants, he would not have been a supporter of their claims. He remembered that when a motion was made by a right hon. Friend of his (Mr. Wilmot Horton) for the admission of Roman Catholics into Parliament, but denying to them the privilege of voting, he divided against that motion; because he thought, that if they were not bound by their oaths in any matter, whether of detail or otherwise, he must be prepared to withdraw from supporting their admission into Parliament for any purposes. In consenting to admit them, he was not prepared to restrict them in the free exercise of their judgment on such questions as might come before them. He was satisfied it must be left, in any case, to the conscience of the Catholic Members, to determine what course they should pursue. They who framed the oath did so in the belief that it would be observed with peculiar caution in dealing with ecclesiastical subjects. If those hon. Members who, being Catholics, had voted for this measure as it was sent up to the Lords had felt as he did, that it had a tendency to throw the Church of Ireland into the hands of the Catholics, that it would prove injurious to the interests of that Church, that it was inconsistent with the security of property in Ireland—if they had come to that conclusion, he was satisfied that they would have considered themselves bound by their oath to oppose it. But when he saw them vote in favour of it, he was convinced that they entertained an opinion of its merits different from his, and thought it calculated to strengthen the Protestant Church and give security to its property. With this observation he should pass from this subject, and come to the question connected with the present debate. The hon. and learned Gentleman had asked how could the right hon. Member for the University of Dublin (Mr. Shaw) reconcile his vote in 1834 with his vote on the present occasion. The measure of 1834 proposed to render 40 per cent. to the Irish landlord. He had no difficulty in answering the question of the hon. and learned Gentleman. Indeed, the reason had been furnished by Lord Althorp. The Bill of 1834 surrendered 40 per cent to the landlords of Ireland. Lord Althorp deemed 40 per cent. an unreasonable concession to them. In the words of the preamble of this Bill—"It is just and necessary, for the establishment of peace and good order in Ireland, and conducive to religion and morality, that the compositions for tithes should be made payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable deduction being made upon the amount thereof, in consideration of the greater facility and security of collection arising out of such transfer of the liability of the payment thereof from the occupying tenantry to the owners of such estates or interests." He agreed with Lord Althorp, that 40 per cent, was an unreasonable deduction, but he supported the deduction of 25 per cent. proposed in this Bill, because he considered it on the whole reasonable. He admitted that in some instances it might be too much, and in others somewhat less than was required; but, he repeated, that he thought it on the whole reasonable. That, however, was not his only reason for voting against the Bill of 1834, which was a measure forced on a reluctant Government, and which was so forced on it by the hon. Member for Kilkenny under conditions which he felt to be unjustifiable. Though that Bill proposed a deduction in favour of the Irish landlords of 40 per cent., only 22 per cent. was to be deducted from the Irish clergy, and the difference was to be made up by a charge on the Consolidated Fund, a perpetual annuity, to the amount of 147,161*l.*, equal to a capital of 3,870,000*l.* This he thought benefitting to too great an extent the Irish landlords, and imposing an unwarrantable amount of taxation on the country. The hon. and learned Attorney-General for Ireland had said:—"Give the people of Ireland an interest in the appropriation of the Church revenues, by devoting some portion of them to their instruction, and they will soon be reconciled to that payment." Would they be satisfied with the small difference between 25 and 30 per cent., that being the difference between the Bill as it went from that House and the Bill as amended by the Lords? The right hon. and learned Gentleman proposed to give the amount of surplus revenues of the Church, for the purposes of moral and religious education, the same sum of 50,000*l.*, which the supporters of this amended Bill would give them out of the Consolidated Fund. But, instead of consenting to take 50,000*l.* out of the Consolidated Fund, Ministers preferred taking the chance of what may be doled out of the scanty surplus fund of the Church. Fortunately I can call witnesses to prove, that such a settlement of this question would not be satisfactory to the people of Ireland; and, first of all, he would ask, had the right hon. and learned Gentleman seen the letter which had been recently addressed by the hon. Member for Dundalk to the hon. and learned Member for Kilkenny?—had he seen the following paragraph in it?—

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* Hansard (New Series) vol. xx, p. 1574.

> "What signifies to the poor man such a settlement of tithes as the Government Bill offers? 360,000*l.* a-year is still to be levied from him—a small fraction is to go to the schools, which would otherwise have been paid for out of the national funds. I deliberately assert, that it would be better for the people to pay the tithe under Lord Stanley's Act (especially with an amended valuation on the principle of the English Act), than to accept the compromise offered by the Government."

So then it appeared that the question of tithes was not a matter of pounds, shillings, and pence, but of conscience, and the writer of the letter went on to observe:—

> "For example, the several Tithe Bills which have been introduced. By these Bills the clergy are to get a share—the landlord a share—the poor nothing. Had the poor no prescriptive right to a portion of the tithes? Were they entitled to no consideration in the

settlement of the tithe question? By those Bills the landlord is made the proctor of the clergy; and, therefore, the poor of Ireland—the poor forty-shilling freeholder, that did so much for his country, and the poor landowner of every class, is to be handed over to the tender mercies of landlords and agents, who are invested with a legal right to recover from the poor tenant the amount of the tithes so paid, and this without any counter protecting power of any description—without any claim acknowledged by law for subsistence from the land of his birth. Again, by founding the stipend of the clergy on the enumeration system (as to population) in the respective parishes, a fresh stimulant is offered to Protestant landlords to dispossess the Catholic tenants, and to replace them by Protestants, in order to give an apology for claiming an increase of the endowments. When you see the virulence of opposition against any new appropriation of Church property—when you recollect the expressions and acts of the Beresfords, so often quoted by yourself—do you believe that landlords, stimulated with such feelings, will not resort to these means, and that the miseries of the poor Catholic landholders would not be aggravated in this way? Is it justifiable for you, having the power you possess, to put in no claim for the poor of your country, in connexion with this measure? Again, are you to leave the poor man unprotected under the cruel inflictions of the Court of Exchequer? This Court has taken upon itself the power of commanding the services of the army and police, in despite of the Government, under an antiquated process; and, with reference to the police, in despite of the positive provisions both of the former and present Constabulary Bill. Is this to be permitted to continue? Is no struggle to be made to obviate this monstrous evil? You will say the Lords will not agree to any Bill for that purpose. I care not for the Lords. I ask, Sir, would not a resolution of the House of Commons, instructing the Government that they alone had the control over, and were responsible for, the use of the military power of the country—would not this be sufficient indemnity for holding this power in their hands? It is not too late still to take this step. But if some steps be not taken, tell the poor man to pay his tithes; if he is not to be protected, let him not sacrifice his miserable means, and perhaps his life, in a hopeless and useless struggle. He has been taught it was a matter, not of amount, but of conscience, and of duty to his country, against tyranny, insult, and oppression; if this principle is to be given up, it becomes a fight about straws. I deliberately assert, that it would be better for the people to pay the tithe under Lord Stanley's Act (especially with an amended valuation on the principle of the English Act), than to accept a compromise offered by Government."

The hon. Member for Dundalk was, he believed, hostile to this measure, but would probably vote in its favour rather than endanger the interests of his party. This letter showed what the feelings of a certain party in Ireland were with regard to tithes, notwithstanding any Bill which might be passed; and the ultimate effect which the present measure would have on the clergy of the Established Church. The appropriation clause was the principal object in view. Whatever advantages might be conferred by the Bill; though the clergy should be deprived of 30 per cent.; though the arrears of tithes and all the odious modes of collection were got rid of, nothing would be satisfactory, but the appropriation of Church property which was perfectly coincident with the arguments of the hon. Member for St. Alban's. The right hon. and learned Attorney-General for Ireland said, the Catholics must pay tithes, but he seemed as if he could not divest himself of the idea, that they would not pay them, but that the Protestants alone must and would pay them. The real demonstration of this problem was, that the reduction affected the landlord and not the tenant. He defied the Ministers to show, that Lord Stanley's Act had not effected all that was expected from it. Yet still the question remained in the same state. The appropriation clause was still insisted on. A trial of strength took place on that question; and the result was the upsetting of the Government of his right hon. Friend. The hon. and learned Member for Kilkenny had repeatedly and triumphantly said, the feelings of the country were in favour of the Bill as introduced by the Government. Had not the Ministers of the Crown had sufficient experience of the feeling of the country upon the appropriation clause? In order to judge of the public support of this Bill, let the House look at some late elections in detail. What did they say at Northamptonshire to the appropriation clause? They rejected it. What did they say to the appropriation clause in Merionethshire? They discarded it. What did they say to the appropriation clause in Essex? They despised it. What did they say to the appropriation clause in Warwickshire? They laughed it to scorn. The hon. and learned Member for Kilkenny, perhaps, would tell them, that all the public opinion was concentrated in cities and towns. This brought to his mind a melancholy subject which he would not have adverted to but that it furnished a case in point, and was some reason to those who were disposed to treat with contempt the electors in the country, esteeming them as prejudiced and ignorant freeholders. The electors of cities and towns forsooth entertained sounder opinions—they exhibited much greater intelligence—much more knowledge respecting political measures. A lamented and respected friend of his (Sir M. W. Ridley) with whom he always acted and always voted, was menaced as himself with the loss of his seat on account of the part he took on this very subject. He represented the town of Newcastle. That town had the advantage of a visit from the hon. and learned Member for Kilkenny. The hon. and learned Gentleman was understood to have undertaken that mission as the supporter of the Government—as the apostle of the Ministry. He certainly understood the hon. and learned Gentleman to say, not that he was authorised to proceed on his mission, but that it was a mission which he had undertaken in favour of his Majesty's Government, and to procure justice for Ireland. [" No, no !" " Question," and " Order."]

Mr. *Goring* rose to order. He wished to know whether this was the question new before the House?

Sir *James Graham:* The hon. Member for Middlesex had gone into an inquiry as to what was the popular feeling in England respecting this resolution, and he imagined that he was speaking to the question when he was endeavouring to meet the observations of the hon. Gentleman. It was his wish and the wish of his Friends, to act on this question in the manner most conducive to the interests of this country and Ireland. The hon. and learned Member for Kilkenny, who went this mission, would effect that object by means of Catholic ascendancy; he conceived that the means proposed and supported by the hon. and learned Gentleman would lead to the spoliation of the Protestant Church. Now what was said to his lamented friend? He was charged with being an apostate to his principles, he was branded as a renegade, and was pointed out as an individual whom it would be a duty on the first opportunity to deprive of his seat. What had taken place? The opportunity was given recently. Was the question as to the appropriation clause blinked? On the contrary, the issue joined was precisely on that question. The noble Lord had shook his head; but there was a witness present who could testify to the fact. The Gentleman was present who could state that he called for the support and the suffrages of the freemen and electors of Newcastle. [" *The freemen?* "] Was there any distinction? Were they, who had the franchise granted to them within the last two years, to be held out as a degraded body of men? He repeated, that issue was joined on that question of appropriation. The electors were asked if they would choose a man who, if he had been in Parliament, would not have voted for the Irish Municipal Corporations Bill, as framed by his Majesty's Ministers; and who told them, that if they sent him into Parliament, he would vote against the appropriation clause in the Irish Church Bill. [An hon. *Member*: " Triennial Parliaments?"] Some hon. Gentleman behind the Treasury Bench said, " Try a new Parliament." He thought it was most constitutional and excellent advice. [A *Member:* " Triennial Parliaments!"] Now to triennial Parliaments he should say, that unless his Majesty's Government had changed greatly their opinions upon that subject, they would not follow any such advice, nor support any such principle. The noble Lord, the Secretary for the Home Department, complained that on a former occasion he (Sir J. Graham) had, in some way, misrepresented that noble Lord's sentiments; that he had charged him with dissimulation in his conduct with respect to the appropriation clause, and that such a charge was grounded upon his knowledge of that noble Lord's sentiments, when he had the honour to be a colleague of his. Now, nothing could be so far from his intention as to make any such charge, and he did not think, he certainly was not conscious of having ever said, any such thing. Dissimulation was certainly no part of the character of the noble Lord. Upon this point the noble Lord was most explicit, and if he were to state, or could be permitted to state, conversations with that noble Lord, in the Cabinet and out of the Cabinet, he should say, that so far was the noble Lord from being liable to a charge of inconsistency upon this ground, that he was quite consistent in supporting this Bill; or, in fact, a Bill which would go twice as far; he knew not but that the noble Lord would be even consistent in supporting a Bill which might go to supplant the Protestant Establishment in Ireland. How could he charge with dissimulation that noble Lord, whose declaration upon this subject had rung the knell of Earl Grey's Government, and which might be, proceeding as it did from a Minister of the Crown, considered as almost the deathblow to the Protestant Establishment in Ireland? In 1834, that noble Lord declared, that "if ever there was a nation that had a grievance, that nation was Ireland, and that grievance was the Established Church." [*Cheers!*] Gentlemen opposite adopted that sentiment. [*Cheers!*] Did they adopt it? [*Hear, hear!*] He said, then, that there never was a great evil legislated for by so mean and paltry a measure. This an attempt to settle the grievance of a nation! Why, it was a mere atom—a scrap, but in principle it was as monstrous as anything could be. It was not with dissimulation, but with inconsistency, that he charged the noble Lord. The noble Lord, in 1832, said, that "others might be for revolution, but he was for peace. This country could not stand a revolution once a year, and if he did quarrel with the Lords, it would be for some object worthy of a conflict." What was the sum then in dispute? No less a sum than 1,200,000*l.*, the whole amount of the perpetuity fund. For a sum so insignificant as 1,200,000*l.* a-year, the noble Lord considered that the danger of a conflict with the Lords ought not to be encountered. Now, it was not 1,200,000*l.*, but for 50,000*l.*, to be given in education, that they were to have a conflict; but then there was the principle involved—that was, that this 50,000*l.* was to be wrung from the Church to be given in education. For this the same noble Lord was willing to risk a conflict in 1836, who had, in 1832, declared, that "others might be for a revolution, but he was for peace." Upon a more recent occasion the noble Lord had used an argument inconsistent with his present declaration. He alluded to the sentiments expressed by the noble Lord within the last fortnight upon the Established Church in this country. He took down the words of the noble Lord at the time, as they made a great impression upon him, and he was unable to reconcile the noble Lord's doctrines now with what he propounded upon that occasion, when hon. Members were arguing that the sum of 5,000*l.* should be taken from the Archbishop of Canterbury, 3,000*l.* a year from another Prelate, and different sums from various Prelates, making in all 25,000*l.* a year, half of the sum which was then under discussion. The noble Lord then said (he was quite sure of the words he quoted,) "I would not risk for 25,000*l.* the success of a real measure of reform. I will not make any such deduction, when, by not making it, I am enabled to carry such a measure with the consent of the heads of the Church." That was the noble Lord's doctrine as to the Established Church in England. It was not, he said, for a paltry sum of 25,000*l.* a year he would risk the success of a measure of reform in the Church which he could carry with the consent of the heads of the Church. The whole matter here in dispute was 50,000*l.*—that was the only difference—instead of 25,000*l.* the sum was 50,000*l.*; and yet for that sum this question was to be lost. How was he to reconcile the principle which the noble Lord asserted with regard to England when carried into Ireland, and when there was to be a settlement of a great question there; yet he would not waive a point with regard to 50,000*l.* but insisted upon that sum at the risk of endangering the peace of that unhappy country. But then he was told that the struggle in which they (the Opposition) were engaged was a hopeless one—that they would not succeed. The right hon. Baronet, the Member for Tamworth, had met that declaration in a manner that he was rejoiced to hear, and in which he was most disposed to join. The right hon. Baronet, said, if it were hopeless, still let them oppose it to the last—let the responsibility be on the heads of those who thought they were right—but let not those who thought the principle was wrong in any degree partake in it. He wished not to remove the means of resistance to what was bad, and he trusted elsewhere for the result. But if the struggle were a hopeless one, was the prospect of the consequences very promising? Did the House forget that sixteen Irish Members voted against the third reading of this Bill? Did they forget that the hon. Member for Dundalk told them that this Bill, which was to give peace to Ireland, was one that would "make the landlords tithe-proctors; that it mixed tithes with rent—tithes, an unjust payment, with rent, which was a just payment; that it mixed the payment of that for which nothing was received with the payment of that for which value was received?" The hon. Member for Mayo was still more explicit, for he said, "he cared not whether they called it tithes or rent; but it was a monstrous injustice to call upon the million to pay for the religious instruction of a few thousands." That was intelligent; that was statesmanlike. He could well understand an argument such as he had mentioned. He could understand it if it applied to the reconstruction of the articles of the Union. He could understand, too, the argument of the noble Lord, the Secretary of State, if it were to apply to the religion of the majority—if Ireland were not united to England, and did not form a part of the empire. Then, according to that argument, the Catholic ought to be the established religion; but it was a monstrous fallacy to apply such an argument to Ireland, when it formed a portion of the United Empire. He saw the hon. Member for Tipperary opposite. That hon. Member had, on a former occasion, said, "If they could buy peace with a million it would be a cheap purchase;" but to pay the million, and get additional discord, was most foolish. Feeling, as he did, that the principle involved in the discussion was of the utmost value, it would, he thought, be madness to support a measure of this kind. The learned Doctor, the Member for Cork, declared that "they only waited for the opportunity—he would not beat about the bush—Irishmen were able to right themselves." This was, he considered, the most deliberate threat ever yet uttered in any assembly. But was this all? A circumstance had transpired within the last few days for which he and his noble Friend, the Member for Lancashire, were long watching—they were not taken by surprise, for they had expected it. The hon. and learned Member for Kilkenny, he thought so late as the 25th June, in observing on the subject of the glebes belonging to the Irish Church, put the matter thus:—"We do not at present," observe, at present, "demand glebe-houses for the residence of the pastors whom the people prefer." Let the House remember that Ministers were asked what was the meaning of the mysterious clauses referring to glebes—what was the meaning of giving a power to Lord Duncannon to alienate the glebes for an indefinite number of years? His noble Friend pointedly asked for what particular design they were so alienated? The hon. Member for Kilkenny, within the last four days, desired these as Catholic endowments. The hon. Member had written a letter, published within the last week, in which were these words:—"Would you tranquillise Ireland, follow up this plan: give the glebes, to the value of 300*l*. per annum, to the pastors of the great and overwhelming majority of the people of these parishes." It turned out, then, that these endowments were to be taken from the clergymen of the Established Church. This was what was desired by the hon. and learned Member, who represented the great body of the Catholics of Ireland. It was desired to transfer these endowments to the Roman Catholics. Let the people of England understand that. Let the Protestant Dissenters understand it. He said, let the Presbyterians of Scotland understand it. It was not a question of mere Protestant spoliation—it was a question of Catholic endowment. It was a question whether they were to transfer these endowments from the ministers of the established religion, and give them to the ministers of a religion which their forefathers had risked a revolution to overthrow, and in the field, and on the scaffold, rejoiced in denouncing!

Mr. *Sheil:* The right hon. Baronet, while speaking of Newcastle, was interrupted by cries of "Triennial Parliaments." He did not seem to know the purport of the intimation. I can explain it to him. The new Member, who is represented as a Conservative, pledged himself to vote for Triennial Parliaments. His opponent declined to give any pledge, and had voted against the Reform Bill. The result of the Newcastle contest affords no ground of triumph; it is not on the hustings of Newcastle that the flag of triumphant Toryism ought to be planted. The right hon. Baronet adverted to the state of feeling in Cumberland. I know little of Cumberland, except from the impression produced there in 1831, by the right hon. Baronet himself, and the applauses which attended a very remarkable speech of his, appears to me to furnish evidence of the state of popular feeling in that county. The right hon. Baronet, on that occasion, called Sir J. Scarlett his "once-valued friend," but added, that he had become "a recreant Whig." The right hon. Baronet also expressed himself favourable to the practice of extorting pledges, and advised the people to insist upon Lord Lowther giving a pledge in favour of reform. These are the only indications which I have of the state of public feeling in Cumberland, but this appears to me to be sufficient to form a tolerably correct estimate of that county. The right hon. Baronet is, in one particular, entitled to my thanks; he does not coincide with the Bishop of Exeter in his formidable imputation. He relieves us, on the contrary, from the charge of perjury. It has been the good fortune of the right hon. Baronet to take a very different view from the Bishop of Exeter, on points of theory and practice; in practice so far as his own conduct, or even so far as the conduct of Roman Catholics is concerned. In 1830 the right hon. Baronet gave notice of a motion denouncing the Bishop for holding a living, of Stanhope I think, *in commendam,* and now he repudiates, as unchristian, that charitable ecclesiastic's imputation of perjury cast upon his Roman Catholic fellow-subjects. This does him credit. With respect to the Catholic oath, I do assure the right hon. Baronet that, as far as I am individually concerned, I have no intention to subvert the Church; I wish to curtail it —I wish to reduce it to the dimensions of the Church of Scotland—I wish to proportion the payment to the service performed; where there are no Protestants, I see no pretence for paying a clergyman the exorbitant sum of 300*l.* a-year. The right hon. Baronet adverted to the speech of the Member for Tamworth, in which that right hon. Gentleman declared, that if the pillars of the Church must at last be shaken, he, at least, would not concur in their concussion, nor be accessory to their prostration. Sir, I do not desire to overthrow the pillars of the Church; I wish to take down the golden dome, in order to prevent it, by its fall, from burying all beneath it under its ruins. The right hon. Baronet, the Member for Cumberland, referred to the subject of education, and declared that he was willing to give out of the Consolidated Fund 50,000*l.* a-year for the education, under the commission of the Irish people. He is willing to tax England with this sum. He would mulct the English people, and spare the superfluities of the Irish Church. But in a man so religious, it seems to me extraordinary that he is willing to assent to what pious people call the mutilation of the word of God. It is remarkable that this proposition has come from the Tories; and the silence of certain of their Irish Friends is not less deserving of notice. Where is the Recorder of Dublin? Where is the Member for Bandon? What is become of the Member for the University of Dublin? Formerly, when the Tories were in office, and confirmed the mutilation of the word of God, there were reasons, substantial ones, for silence; but now, when their consciences are emancipated, and their interests are no longer concerned, will they stand up and denounce the application of so large a sum to be given from the Consolidated Fund, for the suppression of the Scriptures. There is one point more in the speech of the Member for Cumberland to which I desire for an instant to advert. He charges the Member for Kilkenny with having intimated a wish, that glebe lands should be given to the Catholic clergy. I wish that the right hon. Baronet would tell us whether or not he conceives that a provision should be made for the Catholic clergy. They repudiate it: but does the right hon. Baronet desire to use any gentle violence to induce their compliance on this subject? I know that in common conversation, the Tories constantly lament that in 1825, the terms proposed to Lord Liverpool, including a provision, were not accepted. To this day, the Tories are fond of reverting to this proposition. But why in this House do they never openly refer to it? Why is the Member for Tamworth, why is the Member for Lancashire significantly silent on this point? Will they this night tell us their minds on the question? No, Sir; they are afraid to awaken the religious prejudices of the English people. But how disingenuous it is on the part of the Member for Cumberland, when he suppresses his own opinion, to avail himself of a paragraph in a letter of the hon. Member for Kilkenny in order to ignite with it the inflammable feelings of the English people? This incendiary expedient is scarcely worthy of him. I turn from the speech of the right hon. Member for Cumberland. In the opening of this night's debate, the question of privilege was glanced at. I am glad that on mere matter of form the debate has not turned; but I am also glad that the great prerogatives of the people have been recalled to the public recollection. The time may not be distant when the redress of grievances must precede the supply of the exigencies of the Crown. But although privilege is put aside, let not dignity be forgotten. For once let us follow the example of the Lords. They rejected the amended Municipal Reform Bill, because it was inconsistent with their House to recede from the ground which they had deliberately taken; and shall we, after having passed a resolution declaratory of the policy by which Ireland must be for the future governed—after having with that resolution annihilated and created a Cabinet—after having embodied the principle of that resolution in two successive Bills, in two successive Sessions—shall we, I say, accept a Bill founded on a principle diametrically the reverse of that thus solemnly and repeatedly adopted, and without which we have proclaimed the tranquillity of Ireland to be hopeless? What will be the consequence of accepting the measure of the Lords? The Ministers must resign, and the Irish Municipal Reform Bill, carried by a majority of eighty-six, to which the House is pledged, is lost. The Lords must, if they wish to extend their Conservative habits to their characters, adhere to their destructive Bill. There is only one man who could, without any damage to his character, convert his Alien Act into a Bill for the naturalisation of the Irish people; his associates, although they have availed themselves of his talents, could not venture to act in conformity with his ethics. It must be taken as granted, then, that the fate of the Municipal Bill depends upon that of this Bill, and I call upon every man who has already, by his vote on the Municipal Bill, expressed his determination to extend to Ireland the benefit of British institutions, to remember that on his vote to-night the practical realisation of that policy depends. It may be said that the settlement of the tithe question is of paramount importance to every other. True. But what reasonable man can regard the measure of the Lords as the settlement of the question? The aliens—the seven millions of aliens and of perjurers—will scarcely be reconciled to this measure by the share which Lord Lyndhurst and the Bishop of Exeter have had in its production. The conjunction of this honest lawyer and of this Christian ecclesiastic is not a little curious. I remember a striking speech against Catholic Emancipation, made by Sir John Copley, as Master of the Rolls, which Mr. Canning more than intimated was derived from a notorious pamphlet of the day. Mr. Canning exclaimed—

> "Dear Tom, this brown jug, which foams with mild ale,
> Out of which I now drink to sweet Kate of the vale,
> Was once Toby Phillpot's——."

Is it not an odd coincidence that Copley and Phillpots—the one metamorphosed into my Lord Lyndhurst—and the other into the most reverend Father in God the Lord Bishop of Exeter, should be still politically associated—and that the former should denounce us as aliens, and the latter should involve a whole nation in one comprehensive and flagitious imputation? Aliens and perjurers! Is this the Conservative process of conciliation, and is it thus that those passions are to be assuaged which disturb the peace and arrest the prosperity of our unfortunate country? The Lords' Bill a settlement of the question! It will be repudiated with utter scorn by the Irish people, who will regard it is an expedient to turn out the Ministry, to expel a Lord-Lieutenant who has won the affections of the country, and to restore the Orange faction to the plenitude of its domination at the Castle. Does any moderate Conservative conceive that even if this project could be effected, it would be serviceable to the country? What can be more prejudicial to Ireland than these sudden transfers of power, attended with ferocious exultation on one side, and black vindictive resentment on the other? The Green flag to-day—to-morrow the Orange—the next the Green flag, with a darker and deeper dye again. Is this a state of things to be desired? It may be said by a Conservative, that since a triumph must be given, it is better that Orangeism should be selected for the preference. This suggestion might be plausible if there was the least chance of durability in a Conservative Government. But who is there that looks one yard before him in this fog of prejudice and of passion by which we are surrounded—who is there that looks beyond to-day, and has a political to-morrow, who can believe that it is possible that the Conservative policy, with respect to the Irish Church, can be long maintained? I am sure that the right hon. Member for Tamworth does not think so. His speech to-night was full of intimations of despair. Why did he say that if a blow must be struck, it should not be struck by him? Why did he talk of the prostration of those pillars which he declared that he for one would not contribute to the overthrow? What did his speech mean, but an announcement that he would not play upon this question the same part which upon the Catholic he had been compelled to perform; that he would leave it to others to do that which he saw was inevitable; that he had already made sufficient sacrifices, and would not go through martyrdom again. This appeared to me to be the dominant feeling in the mind of the hon. Member for Tamworth, and any man who looks at the circumstances and events that attend this question, will see that the maintenance of the abuses of the Establishment is utterly impracticable. Let us throw aside all abstractions, and consider not merely the merits of this question, but the relation in which we stand towards each other, what are our comparative resources, and on whose side the victory will, in all likelihood, ultimately be. Forgive me if I put so abrupt a question as this:—Who are you, and who are we? My answer to the first question shall be fair, and you will permit me, in answering the second question, to be frank. Do not imagine that I mean to undervalue the importance of the Conservative party. I am willing to take you at your own price, which is rather a high standard of appreciation. You say, that you have the aristocracy, the gentry, the clergy, the army, the magistracy, and the House of Lords. You have not all the House of Lords; you have not the Cavendishes, nor the Russells; no, nor the Stanleys, in the House of Lords. Some of you say, that you have the King, and that Windsor is only an appurtenance to Apsley-house. I do not agree in this opinion, for I remember that the Duke of Clarence, on the 23d of Feb., 1829, turned to the bench of Bishops and asked them whether they would dare to call themselves the ministers of peace if they contributed to civil war in Ireland. This speech, I beg respectfully to recommend to the episcopal meditations of Dr. Phillpotts, and I trust, that one of the dignitaries of the Church will derive advantage from the truly Christian sentiments expressed by the illustrious personage who is now its head. Having told you who you are, I proceed to communicate some information to you of which you may stand in need, and to tell you who we are. But it is better that before I tell you who we are, I should first tell you what we are. In 1793 we were not half in number what we now are; we had no intelligence, no education, no concert, no property; and yet, even then, we extorted from England the elective franchise. England put into a hand which she did not know to be gigantic, a weapon from the armoury of the Constitution, with which from crest to centre, Toryism has been cloven. I spring with a single bound over an interval of forty-three years, and hurry to the 13th of April, 1829. On that day the great charter of Irish liberty was ratified, and the King uttered those phrases of power, *Le Roi le veut*. No, he did not use it, nor did you use it, nor the Lords, nor the gentry, nor the clergy, nor the army, nor the magistracy; but we were resolved upon it, and I tell you that to the question before the House we bring the same unconquerable will, and the same indomitable determination; and that, delay this question as you may, excite the fanaticism of England as you may; employ this question to get into Downing-street as you may, still you must yield at last, and to Ireland, at last, justice shall be done. I know that you are in the habit of speaking, and of writing, with derision, upon the phrase, "Justice to Ireland." It is quite natural that you should do so. At Madrid, they laughed at justice to the Creole. At the Hague, they laughed at justice to Belgium. There is an exceedingly good picture by Copley, in the national gallery, of the death of Chatham, and I remember that on the morning on which I read the alien speech, I was struck by that picture, and while I looked upon the fine representation of the expiring statesman, some of the most remarkable words which he had ever uttered came back to my recollection —"Do justice to America; do it to-night —do it before you sleep." Alas! Sir, there were men mad enough to laugh at that admonition, and how can I expect, when my feeble voice is raised to implore you to do justice to Ireland, that you should not treat that melancholy adjuration with the same derision. But it may be said, that I am all this while using the language of vaunt, and that mere vaunt ought to be treated with disregard. I am willing to go into details, and to act like him who took the herald of the evening through his camp, showed him the extent, the discipline, the organisation of his force, exhibited every legion in its panoply, and then sent back the herald to his antagonist and offered battle. But mistake me not. We do not mean to give you an opportunity of re-enacting the scenes upon the Boyne and at Aughrim again. Our power is a moral one. Our field of combat shall be on this floor, and here, where we have again and again discomfited you, again we shall put you to the rout. But to revert to details. What is the state of the Roman Catholic people of Ireland? Let us take Roman Catholic property first into consideration. I know it is the fashion to say, the Irish Roman Catholics are destitute of property. It is natural that you should think so, for your ancestors left us tolerably bare. You put Ireland through a process unexampled in the history of confiscation. If I may be permitted to play upon a word, I should say, that the history of Irish Protestantism was to be found in Rapin. You not only took away all we had, but you prevented us from acquiring anything. It was not until 1782 that a Roman Catholic could purchase an estate. But since that time our progress in territorial acquisition has been great, and, as is obvious, must every day increase. But I am free to admit, that the bulk of fee-simple property is Protestant. I stop not to ask how much of it is in mortgage to Roman Catholics. My case is this, that the mass of property to which political influence is an incident, is in the hands of the middle classes. Before the Reform Bill, the great Protestant proprietors nominated to boroughs, and thus political influence was attached to their estates. But a complete transfer of this influence has taken place to the body of the inhabitants of towns sending Members to Parliament. I will give you the ocular proof of the extent and character of the change which has taken place. Look at the hon. Baronet opposite, the Member for the University of Oxford. He was once the Member for Dundalk. You will scarce believe it, but it is the fact, and the House perceives that he does not dispute it. My Lord Roden selected a gentleman eminently qualified to represent him and his religious feelings and pious addictions in the House. It is not to be presumed, that any sublunary inducements were applied by the hon. Baronet to the noble Lord, in order to persuade him to make so felicitous a choice. The House sees in the hon. Baronet, not only the representative of Lord Roden, but the image as it was before reform of Dundalk, and now look at Dundalk as it is. Look at the hon. Gentleman, the successor of the Member for Oxford. There is not a greater contrast between the hon. Gentleman, between the the soft and gentle Conservatism of the one, and the stern and inflexible democracy of the other, than there is between Dundalk before and since reform. Believe me, that although I have put the matter in such a form as to produce a smile, the illustration is not inapt. The fact is, that the political influence once connected with individual Protestant property has been completely handed over to the mass of merchants, traders, and the various classes employed in the different pursuits of business in the Parliamentary boroughs. The same is very much the case in several of the counties of Ireland, which have not been divided, nor, if I may fabricate the word, been Chandosized. The voters in populous towns outweigh the aristocracy even in county elections, and the grocers beat the squires. It must thus appear evident that not only the numbers are with us, but that the property distributed amongst those Members is more efficacious for Parliamentary purposes, and those purposes are the only ones which in a country governed by Parliament, ought in legislation to be taken into account. There are various other sources of affluence and of influence opened to the mass of the community besides agriculture and trade. Formerly the Protestants of Ireland enjoyed a complete monopoly of the patronage of the Crown. The Pactolus of the royal bounty rose in the castle to discharge itself into the reservoir of Protestantism; but now, without distinction of religion, an indiscriminate participation takes place in the dignities and emoluments connected with the departments of the State. The different professions have been thrown open to us. Take the Bar as an example of the effect produced by the career which is furnished to the talents of the Irish Catholics. In the year 1812, Mr. Saurin denounced us as miscreants, and now one of those miscreants is his Majesty's Attorney-General. Roman Catholics are in all branches of business at the bar at its highest points. My learned Friend, the Member for Cashel, who holds a topmost place in his profession, is one of his Majesty's law-officers; and my Friend, the Member for Clonmel, for talents, learning, and station, is unsurpassed at the Chancery Bar. To the Bench these men are rapidly making their way. Why do I mention these things? Because they are some among the many proofs that might be given of the general and rapid progress of that community, which it is the custom to depreciate with those who admit our numbers, but are blind enough to be insensible to the great and augmenting influence with which we are invested. I might readily go into other details to sustain my view of the great strides which are made every day in power by the mass of the Irish people. But my apprehension of exhausting the patience of the House prevents me from indulging in any minute enumeration of the different circumstances which deserve the consideration of those who are to determine by what policy Ireland shall be governed. I shall, therefore, pass by all the rest, and limit myself to one leading and noble feature, incident to the state of the Irish people. If we were seven millions of mere unintellectual, dull, insensible, degraded serfs, a mere mass of helotism, to our seven millions little regard should be paid. Once we were sunk indeed by the penal code, but a marvellous change has taken place. Men often talk of the great improvement which has taken place in Ireland, and in doing so they refer merely to its external aspect: its moral one has undergone a still greater alteration. Not only has the plough climbed to the top of the mountain, and cultivation pierced into the morass, but the mind of Ireland has been reclaimed. You educate our people, and with education of the people the long continuance of unnatural and unjust institutions is incompatible. But, if education has done much, agitation has done more. Although it may have been attended with many evils, it has been accompanied by one great countervailing good. Public opinion, which before did not exist, has been created in Ireland. The minds of men of all classes have been inlaid with the great principles on which the rights of the majority depend. This salutary influence has ascended to the higher classes, spread among the middle, and descended among the lower. The humblest peasant has been nobly affected by it. Even in the midst of the most abject destitution he has begun to acquire a sentiment of self-respect. "He venerates himself a man." I remember the time when, if you struck an Irish peasant, he cowered beneath the blow. Strike him now—the spirit of offended manhood starts up in a breast covered with rags. This Celtic blood boils up as yours would, and he feels and he acts as if he were born in this noble land of yours, where the person of every British citizen is sacred from affront, and from his birth he had breathed that moral atmosphere which Britons are accustomed to inhale. No, Sir, we are not what we were. We have not caught the accents of your voices, indeed, but we have caught the intonations of your rhymes. Englishmen, we are too like you to give you leave to keep us down; nay, in some points we have surpassed you. Have you read the evidence of the Intimidation Committee, and the dispraise of heroism in rags which it details? The Irish peasant is prepared again to do what he did before, and to bid defiance, in the cause of his country, to poverty, expulsion, ruin. Do you doubt it? Put it to the test: if Parliament were dissolved to-morrow our numbers would be augmented, and even if they were to remain stationary, no Conservative Government could long withstand the pressure of sixty Representatives, not of a transitory faction, but of an undecaying and imperishable people. If we stood alone I should not despair. Sustained by British sympathy, how can I for a moment of the triumph of this great cause entertain a doubt? Scotland is with us. The Scotch feel, that the cause in which their fathers bled is ours; and as to England, if we have been defeated in skirmishes at occasional elections, I make no question, that at a general election in the great onset we should win the day; and if we do (and with that question I conclude) what course will the Tories take? They bid us yield to the Lords. Will they, in that event, yield to the people? Will they give up the great principle on which their resistance is founded? The Member for Lancashire will cry out, that he will resist it to the death—the Member for Tamworth is too wise to say that he will do so.

Mr. *Hodgson* stated, that in the late election for Newcastle, he had been returned without soliciting a single vote; and after having declared his determination not to lend his support in any way to the alienation of Church property to secular purposes in Ireland. With respect to the speech which had just been delivered by the hon. and learned Member for Tipperary, it abounded, particularly the latter part of it, in beautiful imagery and powerful figures, but he did not see that throughout the whole tenour of his address, the hon. and learned Gentleman had made one attempt to argue the question before the House upon its merits. The hon. and learned Gentleman's speech contained this point, and this one alone, that if the House voted against the appropriation clause to-night, Ministers would be dismissed from their offices, but that the House would preserve them in their places by opposing the Lords' amendments to this Bill. Now he (Mr. Hodgson) considered the question of the stability of a Government as infinitely unimportant, when compared to the settlement of a great principle like that before the House at this moment. He was well aware that a great diversity of opinion did exist as to the propriety of enacting the appropriation clause, and many there were who were earnest in its support; but the question was now, whether the whole Bill—the whole measure of Church reform in Ireland—should be rejected, because the appropriation clause could not be had with it? Such a course would, in his opinion, be founded upon a very illogical argument. The hon. Member having thanked the House for its indulgence in listening to the few observations he had made, sat down, declaring that he should vote for the amendment of the right hon Baronet.

Mr. *Harvey*, after premising that it was not his intention to detain the House very long, said, that having on a former occasion expressed his sentiments decidedly, and he believed not very acceptably, upon this subject, he should probably have forborne altogether from speaking on the present occasion, but that he felt bound to urge the usual appeal to the forbearance of the House in favour of a new Member, in which light he certainly had a right to consider himself. The sentiments which he had uttered on a former occasion on this subject, had been very much misrepresented, so much so that he felt himself called upon to appeal to a tribunal to which an Englishman seldom appealed in vain—to his constituents, and the result was, that they declared themselves unanimously in favour of the line of conduct he had taken up, and from that line he saw no reason now to deviate. In one respect, however, he felt himself bound, on the present occasion, to adopt a different course to that which he had on the last division on this subject, when, as it might be recollected by the House, having fearlessly expressed his opinions on the whole question, he had abstained from giving a vote. On the present occasion he should give a vote, and for this reason—on the former occasion he was equally opposed both to the proposition of the noble Lord, the Member for North Lancashire, and to that of the noble Lord at the head of the Government, and, therefore, he would not vote for either; and on the present occasion, if the question was the acceptance of one or other of those propositions, he should again abstain from voting; but as it happened this was not the question upon which he was now called to vote, but whether they should accept this measure denuded of the appropriation clause, which would be nothing less than extracting all the merit from it? That, and no other, was the consideration and the question upon which he should this evening give his vote. He had followed with great attention the speech which had just been delivered by the hon. and learned Member for Tipperary, in hopes he would have advanced some arguments in support of the course proposed by his Majesty's Government on this subject—some attempt to show that this Bill, when passed, would be sufficient to tranquillize and satisfy the demands of that country of which the hon. and learned Member was so distinguished an ornament and so able an advocate. But so far from this, when the hon. and learned Gentleman had taken a brief survey of the history of Ireland during the last half century, he abstained altogether from giving any opinion for the future, as to what would be the result of the passing of this measure. For his own part, he did not think this measure would be productive of all that satisfaction and tranquillity which were promised from it. The hon. and learned Member said, he did not wish to disturb the Protestant Church of Ireland; on the contrary, he was solicitous for its preservation, and would not meddle with its revenues unnecessarily, nor in any way impair its utility. Now he could not see how a Roman Catholic and a Protestant Dissenter could conscientiously hold such an argument. He thought the hon. and learned Member, as a Roman Catholic, was bound to do everything he could to destroy the power, and subvert the influence of the Protestant Church in Ireland. If he conscientiously thought that the existence of a Protestant Church was necessary for the happiness and welfare of the people of England, he should have taken the view, and supported the proposition of the noble Lord, the Member for North Lancashire. But he was not of that opinion; and therefore it was that he felt that this very measure which was now before the House, could not satisfy the feelings of a people who were conscientiously opposed to the doctrines, and therefore to the very existence, of a Protestant Church, and its claims to protection were essentially different in Ireland from what they were in England. In England, the great bulk of the people of the country were in favour of the Protestant doctrines, but in Ireland the case was precisely the reverse. Under these circumstances, if it were attempted to maintain the Protestant and the Roman Catholic Establishments in Ireland, in friendly juxta-position and mutual alliance, could it be pretended that the Protestant Church Establishment had any chance of perpetuity, at variance as it was in its tenets to the persuasion of the great majority of the people of that country. As the case stood at present, the Church Establishment of Ireland was conducted upon principles to which the great majority of the people were, in their consciences, opposed; and he was one who thought that, if a Church Establishment was to be maintained at all, it ought at least to be an establishment whose tenets were in conformity to the doctrines and feelings predominant amongst the majority of the population. The institutions of the country ought to be applied to the utmost possible extent, according to the wants and desires of the people. Upon this principle, he held it to be impossible to maintain a Church Establishment in Ireland, which was made use of by a small minority of communicants. What course, then, was to be pursued? The only course, in his opinion, was to withdraw all legislative countenance from both Churches, and to apply the revenues of the Church to the moral instruction and comfort of the people at large. The hon. and learned Gentleman, in the course of his speech, took a very agreeable survey of the state of the property in Ireland, and of the learned professions, and other parties of influence in Ireland, but he studiously avoided any allusion to the feelings of the great bulk of the humbler classes of his fellow-countrymen. But did the hon. and learned Gentleman really pretend to say that this Bill would become either inviting or disgusting in the eyes of the people of Ireland, just according as this appropriation clause was included in it or not? Why, such a notion as that would be totally preposterous. The appropriation clause was a mere dry, worthless abstraction. It pretended to apply a certain surplus of Church revenues to the education of the people in Ireland; but where was that surplus to be found? The very advocates of the measure did not anticipate that they would have anything of the kind for half a century to come, and then it would only amount to something about 50,000*l*. a-year; and, in the mean time, the anticipations of that surplus fund were to be paid out of the Consolidated Fund. What then did all this quarrelling about appropriation come to? Why, both parties seemed to understand the principle pretty well, and to act upon it too, by taking care of themselves; only that the Conservatives were more honest than their opponents. The Ministers took thirty per cent. from the Church revenues as the price of this measure, whilst the Conservatives had expressed themselves content with twenty-five per cent. But there was one other question involved in this Bill, which, it appeared to him, had been left quite untouched in the course of the discussion on this measure; namely, the proposal to forgive the 700,000*l*. which had been already advanced out of the million originally voted for the relief of the clergy of Ireland. It would be recollected, that when the House was applied to by Lord Althorp for a sum of money to meet the deficiency in the tithe payments of the years 1830 and 1832, their feelings were harrowed by the touching descriptions which were given of the state to which the working clergy in Ireland had been reduced by the systematic resistance which had been made to the payment of tithes. Curates, men of small estate, but hard-worked in their holy avocation, were represented as being entirely dependent for support, together with their large families, upon the precarious bounty of their neighbours. One hon. Member stated the distress to be so great in many parts, that a poor curate was unable to raise the money to release a letter addressed to him from the post-office. Well, in consequence of all these appeals, the million vote was carried, under the understanding, however, that it was to be repaid to the public purse by a sort of land-tax, spread over a surface of five years' time. It was surprising how the arithmetic of hon. Members of that House varied with their objects. On that occasion, Mr. Littleton stated the tithes of Ireland to be about 600,000*l.* a-year, and taking the sum due to be 400,000*l.*, that it would require a million to meet the arrears; so that, at that time, in order to show the House that there was no ground for alarm, lest the loan should not be repaid, the tithes of Ireland were declared to be worth 600,000*l.* a-year. But now, when those who took upon themselves the defence of the clergy in that House, wished to make out a case favourable to their views, the tithes were lowered to 350,000*l.* But so far, said the hon. Gentleman, from this sum of a million being given to the meritorious, distressed, and indigent clergy of Ireland, the fund was actually received in large lumps by noble laymen, and by female laymen, too, if I may so term them. There were no terms of application made before the Commissioners, which have not been used by those noble persons. Now, presuming that these individuals took the sums which they received as loans, it must have been understood by them, that they were to repay them agreeably to the provisions of the Act. On what ground those persons who have 100,000*l.* or 200,000*l.* a-year, and who are deriving immense revenues from a country which they desert, and the withdrawal of their enormous rents from which has a far greater share in the impoverishment of the people, than anything which appertains to the present Bill. On what principle, I say, those who derive their ducal incomes could so demean themselves as to borrow money, creates my surprise; but how they could condescend to receive from the resources of an impoverished country, by which they are so much enriched, sums of money derived from the people of that country, as well as from the people of this country, who are already so burthened with taxation, and that they should not only consent to borrow these sums, but to take them as a gift; this, I say, baffles all the powers of language which it is possible for me to command, in expressing my detestation of their conduct. It is very well for the hon. and learned Member for Tipperary to talk of "unfurling his standard," and to deal in all those pointed allusions, by means of which he so successfully and justly worked upon the feelings of the House; but I wish to give a practical direction to the course of our debate, because when we come to the hour of twelve o'clock, every minute is worth something, particularly when it may be employed in showing up such delinquency, and explaining what is meant by parties taking care of themselves. I find on this list every class of persons. There are those on it who find their justification in the magnitude of the sums which they demand, and others again in the paucity of their amount. There is nothing too large for them to seize—there is nothing too small for them to take. I find amongst them some very large recipients; and what is remarkable, there is a certain coincidence between the magnitude of the title, as well as the noble possessor's resources, and the sums which they have taken. The Duke of Devonshire, for instance, has actually condescended, first to borrow, and next to accept in charity, no less a sum than 3,664*l.* Now, Sir, not to travel out of the "order" of nobility, whilst Dukes have been cramming noble sums, Earls too have had their share; and one of them, the Earl of Essex, had some pickings of crumbs, amounting to 86*l.* 13*s.* 4*d.* But we have often heard, in this House, that we should not speak irreverently of persons who are absent; and I was much more amused than instructed by the hon. and learned Gentleman, the Attorney-General for Ireland, when alluding to-night to the House of Lords. He fancied all sorts of things; he insinuated much; he repudiated more; until, at last, he brought us to the subject to which he wished to direct our minds. Now it may be said, that it is unfair in me to speak of a noble Duke and Earl, when they have not the opportunity of replying to the statement; but it should be recollected, that I am stating the items of a return, in which are to be found the names of the Members of this House, who can answer for themselves. I should like to know whether those hon. Members mean to vote on this occasion. We have heard a great deal lately of hon. Members sitting on Committees, or taking any part in the discussion upon questions on which they have the slightest personal interest. Now I cannot think that some hon. Members will sanction a measure by their vote, one of the objects of which is, to relieve them from the payment of a debt, which they, as recipients of the million, have consented to incur. As this return is in the hands of hon. Members, they can easily see whether they are amongst the number of those who receive any portion of the million, or whether they are not. When on a former occasion, the Pension List was before the House, I alluded to those who received the pensions without reserve; but what will the House feel when they are informed, that there are in that list which is now produced, ladies, residing in this metropolis, who received part of that grant of a million as lay impropriators? Now this is a most flagrant perversion of the original intention of the grant, particularly when, on looking over the debates for the purpose of strengthening my recollection, I find that Lord Althorp, when some distant intimation of an apprehension from past experience was made by any hon. Member (though he was disinclined to suppose that so bad an example would be followed) of the event, that what was originally a loan, would, by some means or other, be converted into a gift; when, I say, such an opinion was indirectly expressed, the noble Lord Althorp, whose fancy and vivid imagination were instantly touched by the expression of the remotest apprehension of such a circumstance, declared, that if he could possibly conceive such an event to arise, he should be the last man to make the proposition which he then submitted. And yet I am bound to say, that if the lists be looked to, the Whigs will be found to have, at all events, as deep a finger in the purse as the Tories. If there were no other objection to this Bill, I should rest my opposition to it on the topic to which I have alluded; but we are placed in this blessed condition, that though this Bill is bad, we can make no choice, for the other is worse, and it is scarcely possible that we can at present get any better. And here I must allude to the repetition of the old story, which I had fancied was almost worn out—namely, that "if you leave Ministers in a minority on this question, it will so agitate the vessel of the State, that, in all probability, it will be engulphed in general ruin." Now really this is a topic on which I can scarcely bring myself to speak with seriousness. The idea of this great nation being left in a state of distraction, the cables of the vessel of the state cut, and she in danger of running into the wide sea, without having any guide to direct her into port, this statement implies an imputation on the capacity of the people of this empire which I can scarcely for a moment entertain. Why, let the Tories come in. How long would they remain in power? Just so long as they deserved. They can't stand an hour unless they are prepared to mend their manners and their measures. But, unfortunately, if they were once in, they need not do much more than stick pretty closely to the tactics of their predecessors, and give out that as they found a great deal of unfinished work on hand they must first turn that out before they take any new orders, so that in this way a Session or two may be consumed before they begin on their own account. But none of those who feel bound to withhold their vote from Ministers on this or any such occasion, should be guided by any apprehension of the result. We ought to act in such matters by the rule which guides our conduct in private life; we ought to do that which is right, and which the country requires. The country understands the thing very well. We have been six years, since November, 1830, looking forward to measures of substantial relief, but whether we take the measures with respect to the Church, the law, or taxation, or with reference to any of those manifold departments which were thought would be better administered, we have been grievously disappointed. Now when I speak of taxation, I perceive the Chancellor of the Exchequer taking notes, and I beg to assure him that I do not mean that he should let loose on us his budget speech, for I have not the least intention of inviting the chastisement of such an infliction. A great deal, I admit, has been done in giving relief from taxation by both parties, and more must be done; but what I am certain is, that the just expectations of the people as to the results of a reformed Government have met with nothing but disappointment. Now, as regards this appropriation clause, I shall vote against the Lords' amendments, because it is just so much worse than the present Bill, for not containing that clause, which, though of no importance in itself, acknowledged the principle that that House had as much jurisdiction over the property of the Church as over the Civil List, the revenues, or any other department of Government. It would, however, be said by the Government, that this appropriation clause was of immense importance. I am very much disinclined to affirm it, because it seems to cast a doubt on the power of Parliament previously to its proposal to deal with Church property. The will of Parliament is omnipotent, not only over the distribution of the property of the

Church, but also in its application. But even supposing that this clause had originally any value in it, the worth which it possessed was stripped from it by the Ministers themselves, who, I cannot help thinking, regret that they ever took it in hand, because I, and several other hon. Members who voted for that clause, voted for it with this view, that the example of the reformation of the Church of Ireland would travel to that of England, and when once the power of the House was affirmed of appropriating a surplus, the example would become invaluable whenever the reformation of the abuses of the English Church was proposed. But has the Government so acted? Quite otherwise. We have a Bill for a better distribution of Church revenue, which is lauded by Bishops, and with respect to which the Prime Minister dealt out summary chastisement to any one who ventured to hint a different appropriation of Church property. It has been actually stripped by the Government of all benefit which the application of its principle would afford, if made with reference to the English Church. Well, then, this being the situation of the question, I should say, that every Gentleman who really believes that the extinction of tithes and the substitution of a land-tax are calculated directly and efficiently to tranquillise Ireland, ought to support the measure without the appropriation clause, for that clause is, as I have said already, a mere abstraction. And what I want to know is this, whether any hon. Member who is familiar with the state of Ireland, with the feelings of the people, and their just expectations, really believes that this Bill, whether it contain the appropriation clause or not, will have that effect. Sir, there is not a Gentleman connected with that country, who knows its real state, that will affirm that proposition. It is much better that the Irish Church should remain as it is for the present. The people of Ireland will be able to understand the merits of the question by the next Session of Parliament. The people of England do now understand it; and I am quite satisfied that the enlightened reform and amelioration of the ecclesiastical establishments of both countries will be more speedily effected by having this Bill, which provides for neither, postponed.

Mr. *Cavendish* said, that down to 1824 the Duke of Devonshire's tithes were let to individuals, who sublet them at increased rents, but still on moderate terms. At the request of the parishes, the Duke of Devonshire in 1824 let them to trustees for the different parishes, as yearly tenants, at rents amounting together to 2,521*l.* The compositions for the same parishes amount together to 5,293*l.*, and most of such compositions were voluntarily entered into. The Duke however continued to receive the same 2,521*l.* and therefore annually relinquished 2,772*l.*, being more than one-half. Notwithstanding this, the same objection was raised against this payment, as in all other cases of tithes, and since 1830, with some few exceptions, all refused to pay anything. The Duke, however, has regularly paid tithes for his own estates where titheable. It has been stated, I understand, that the Act passed in 1833, called the Million Act, was not intended for the relief of lay impropriators, and that such persons ought not to have availed themselves of it, and that, at all events, it was not intended that any payment should be made from it to either lay or clerical persons, who are not in distress for want of the money. The contrary, I maintain, was the fact; the Act was passed to stop the collection of tithe, with a view to a final adjustment of the tithe question the following year. A reference to the speeches in the House of Commons on the introduction of that Act, and the debates during its progress, clearly show this:—the Duke of Devonshire merely acted in obedience to the wish of Parliament, and did what he considered best to promote the peace and tranquillity of Ireland. The contemplated measure of adjustment failed, the Bill being lost in the House of Lords or by it. As he always supposed the repayment of the money would have been secured, all that he could do he did to forward that measure. The money was accepted by the Duke of Devonshire, as a loan from the public, to avoid the necessity of enforcing the payment of tithes; and I always understood that the Duke is, as he has always been, ready to repay the money whenever Parliament shall so decide. The following note of some of the speeches on passing the Act, and a reference to the Act itself, will prove the intention of Parliament, on passing the Act, to have been what I have stated. I quote from *Hansard,* (vol. xx., page 342) 5th August, 1833. On going into Committee on Tithe Arrears (Ireland) Bill:—

" Mr. *Littleton*: As a desire had been expressed by the House that impropriate tithes should be included in this arrangement, it was necessary to ascertain the amount of such tithe due at present."

He then states the arrear of lay-tithe for the years 1831, 1832, and 1833, to be 222,578*l.* 17*s.* 3*d.* And his calculation of 1,000,000*l.* is to cover both ecclesiastical and lay-tithes.

> "Sir *Robert Peel*: The principle, as he took it, was to advance to lay and other tithe impropriators this sum of money."
>
> "Mr. *O'Connell*: This money never will be repaid. Who is there to repay it? He heartily concurred in the vote of 1,000,000*l.* Never was there 1,000,000*l.* more cheaply laid out; for if the collection had been continued, more would have been expended in six months in keeping peace."
>
> "Lord *Althorp*: It would be good policy to make the advance and prevent the old mode of collecting tithes from being again resorted to in Ireland. Government intended to bring forward a proposition for such a measure."
>
> "Lord *Duncannon* was confident that tithes never could be collected in Ireland under the present system, and thought the arrangement proposed highly necessary."
>
> "Mr. *Hume* especially objected to the grant of 220,000*l.* for lay impropriators."
>
> "Mr. *Littleton*, on the 12th of August, said, Mr. Hume has fallen into a grand error if he supposes the money required was only for the compensation of the clergy; it was no such thing, it was for the lay impropriators. The question resolved itself into this—would the Parliament, or would they not, support property in Ireland, and yield it the necessary protection, not merely the property of the Church, but property generally?"

The Act itself clearly follows up the intention as above expressed. It is entitled, "An Act for the Relief of the Owners of Tithes;" and the preamble states, "that it is expedient to make provision for removing the necessity for the collection of Tithes in this present year, and for the recovery of the arrears for 1831 and 1832." The language of this Act is quite different to that of the 2d William 4th; c. 41, which authorised advance to ecclesiastical persons only. What would the occupiers have said if the Duke had not availed himself of the provisions of the Act, but had proceeded against them for the recovery? It was generally understood in Ireland, that the Government wished all persons to avail themselves of the Act, in order to set the question of tithes at rest, it being intended to follow up the Act by a permanent measure the following year. The only question at the time, therefore, was whether the Duke should abandon the arrears, or receive them under the provisions of the Act, to be afterwards repaid by the parties from whom they were due; and no person, I think, can with reason say, that he was called upon to abandon the arrears, especially after the liberal deduction for years made, as I have before stated.

Lord *Stanley* having troubled the House much on this subject, and having done so twice during the present Session, it might believe him when he said, that he was as anxious as any hon. Member could be to bring the present debate to a close in as short a time as possible. But the real question was not before the House, and it had been hardly touched upon at all. It was not a question with reference to the Tithe Bill; it was not a question as to the sort of wealth possessed by the Irish Church; it was not a question referring to the conduct of the lay or ecclesiastical impropriators; it was not the merits of the question of appropriation which involved the question of the right of Parliament to appropriate, or the expediency of exercising such a right. The question he maintained was this, and this only—Will you accept so much of your own measure as both Houses of Parliament are willing to carry into effect, or will you for another year at least (and I say for a hopeless year) go on protracting the misery and wretchedness of the conflict between parties in Ireland and parties in England without effecting your own object, which you say you desire; which you say would be of infinite benefit, and which we admit, but which you will not consent to have accomplished with the consent of the House of Lords, and with consent and satisfaction of a large body of the Representatives of this House, unless you can attach to it that which we think objectionable, which we cannot accept? It was aye or no; would they accept the Lords' Amendments, or would they postpone them? Not even that; but would they consent to take the Lords' Amendments *seriatim* into discussion. If that were not the question, he hoped he should be told what it was; but if that really was the only question before them, he trusted he should not be interrupted by the muttered moans of Gentlemen who could not, in debate and argument, contradict what he said. How, then, stood the case; the Bill was sent down amended by the House of Lords, and the Minister of the Crown moved the postponement of the consideration of these amendments for three months, thereby rendering it impossible that any measure could pass in the course of the present year; and on this motion alone the House was now called upon to decide. The hon. and learned Member for Tipperary had stated, that the example of such a proceeding was set by the House of Lords, because notwithstanding all the concessions made to the Lords on the Municipal Act, they did not pass it. Why, true; but the House struck out clauses in your Municipal Bill, which they considered objectionable; whilst your objection is, that as you cannot obtain some one principle to be put into your Bill, on the refusal of which you insist upon rejecting the whole measure. Now that was the distinction; the House of Lords would not consent to concur in your measure, because it contained objectionable principles; and you would not consent to pass this Bill, because it had not some one principle which you insist upon having inserted. Here arose the question—was this principle valuable or not? All those who supported the Bill plainly told the House it was not for the clause itself, but for the principle it introduced, and the means it gave of carrying that principle still further. The hon. Member for Southwark (Mr. Harvey), who opposed both sides of the House indiscriminately, declared, that in his opinion both Bills were equally worthless, and that both ought therefore to be rejected; but he added, that if in either there was anything that could raise them above the contempt they deserved, it was the clause of appropriation contained in the Bill, of which he should be glad to avail himself as a lever wherewith to overthrow the whole fabric of the Established Church in Ireland. Other hon. Gentlemen, indeed, who were the supporters of that clause, declared that their intention was not to overthrow the Church in Ireland, but to add to its strength by securing to it the affections of the people. If that were their real object, and he would not presume to doubt their sincerity when they declared it to be so, he must at least be allowed to doubt the soundness of their judgment. The hon. and learned Member for Tipperary, who began his speech certainly in a very amusing manner, went on in a very piteous tone to entreat the House to reject the amendments introduced by the Lords into the Bill, and afterwards proceeded to argue the Bill—no, not to argue the Bill, but to argue the question, and to point out the superior numbers, wealth, and intelligence of the Catholic population of Ireland, and to show how, by an increasing perseverance, they had succeeded in obtaining a concession of their claims in the years 1793 and 1829. "Weak as we were in 1793," said the hon. and learned Gentleman, "we extorted much from you in that year; advancing afterwards in strength, we extorted from you a great deal more in 1829." Why did the hon. and learned Gentleman stop there? Because the argument he adopted, before it came to its conclusion, just overleaped the Bill now brought forward by his Majesty's Ministers. "We are strong, wealthy, and intelligent," said the hon. and learned Gentleman; we extorted much from you in 1793; "we extorted what we chose from you in 1829; and whether you will or no"— he would have added; at all events, this inference was to be derived from his argument—"we will hereafter extort from you a great deal more." That was the ground on which the hon. and learned Member for Tipperary supported this Bill. Then was the House of Commons to come down humbly to the people of Ireland, and to say, "Gentleman, you are strong, you are intelligent, you are wealthy, you are powerful; tell us what you want, and you shall have it. You are powerful, and we, the Parliament of the United Kingdom, cannot refuse you what you choose to demand; you must have whatever you choose to ask." That was the argument of the hon. and learned Gentleman. But how did the hon. and learned Gentleman proceed with that argument? Had he told the House that they, the powerful representatives of Ireland, were satisfied with this Bill? Had anybody told the House that the Representatives of Ireland would be satisfied with the Bill? Had anybody told the House that this Bill would meet the expectations of the Representatives of Ireland? Had anybody declared that it would do full justice to Ireland? The hon. and learned Gentleman had told the House, that the people of Ireland could extort anything from the weakness or the fears of the Legislature. Then he asked whether it was likely they would rest satisfied if they obtained this Bill? Even at the present moment they answered "no;" all their actions, all their speeches, all their letters said, that they regarded this measure only as a step to something more, and that it was only valuable to them, because by one of its clauses it recognised a principle for which they had long been contending! In that respect it was valuable to them, but it would not satisfy them. Their argument was this—" we are 7,000,000, you are but 1,000,000." Was it supposed when that argument was applied to the tithe-payer, when he was told that it was a badge of degradation, a mark of slavery, to be compelled to maintain the ministers of a religion to which he did not belong, was it to be supposed, he said, that whilst this argument and these assertions were advanced, that a measure like the present would give full satisfaction to the people of Ireland? They on the Opposition side of the House had been asked whether they expected this Bill to tranquillise Ireland. There were two or three meanings to be attached to the phrase "tranquillising Ireland." If he were asked whether it would tranquillise those who were determined not to be satisfied until they had overthrown the Church Establishment in Ireland, he would say that this Bill certainly could not be expected to achieve such an end; and that no Bill to which he (Lord Stanley) would consent, or to which, he hoped, the Government would consent, would ever satisfy that party, nor as long as their clamour was listened to would Ireland ever be tranquillised. But they on that side of the House did not rely upon the appropriation clause to tranquillise Ireland; they relied upon that which they believed calculated to afford a real and true satisfaction to the people of that country—namely, the transfer of the payment of tithe from the poor peasant to the wealthier landlord. Whence was it that so much strife, so much collision, so much bloodshed had arisen under the old tithe system, and more recently under the new mode of composition? From the tithe-proctors under the old system, and the process-servers under the new, being compelled to proceed against a poor, an ignorant, and a wretched class of the people for the recovery of the income due to the Church. Hence had arisen all the strife and all the bloodshed to which Ireland for so many years had been subject; and as long as the tithe remained to be collected from the occupying tenantry there could be no tranquillity in Ireland. He and his Friends entreated and implored the House to join with them in putting an end to this deplorable state of things. They now had it in their power to tranquillise Ireland as far as strife and bloodshed arising from the payment of tithe or composition for tithe, was concerned. They had the means in their hands—a word from the head of the Government in that House would do it. If Ministers refused to consent to the Lords' amendments, and to pass the Bill as it then stood, it would be the Ministry and not the Opposition who refused to give tranquillity to Ireland. They were told that they wished to support the overgrown wealth of the Church, whilst they left the poor clergy to starve in indolence and poverty. They did no such thing. They called for a re-distribution of the property of the Church, and they took especial care that an adequate remuneration should be given to the working clergy. But before any of the property of the Church was applied to other than ecclesiastical purposes, they insisted upon it that all the spiritual wants of the Protestant community in Ireland should be properly provided for. He (Lord Stanley) went much further in his own private opinion, and should not be disposed to consent to any appropriation of a surplus of Church property to secular purposes; but he said, that by the provisions of this Bill the Government professed to deal with a surplus, under which there lurked a gross and palpable fallacy, for it was left to their own discretion and caprice whether there should be any surplus at all, how it should be applied, and under what circumstances the Protestant Church was to be maintained, and if the arguments of many of their supporters were to be followed out, the principles laid down by the Government would lead to the total destruction of the Church in both countries. He would never sanction the introduction of a principle which might be carried out to such dangerous consequences. As he had said, he had spoken often upon this subject, and was not desirous of debating the main question; but he was anxious to put the question distinctly before the House, upon which they were about to divide. It was not whether appropriation was desirable, or defensible, or expedient, or whether this Bill, as sent down from the Lords, was amended or made worse; but whether it provided such a substantial and real reform as to justify those who wished for the peace of Ireland and the reform of the Church—without carrying their designs further—in accepting the amendments offered by both Houses; or, whether that point was so secondary, or so dangerous, as to induce them, for the sake of a mere abstract principle, to reject the opportunity of carrying those provisions which both branches of the Legislature and the Church, the Government and the Opposition, admitted to be valuable, important, and real measures of reform in the Church, by the reduction of its inequalities; and above all, conducing to the peace and tranquillity of Ireland, upon which he set as high a value as any Gentleman opposite, but which he did not think would be promoted by any part of the Bill which had been rejected by the Lords.

Mr. *George F. Young*, unfettered by any connexion with political party, had voted on every opportunity for a settlement of the tithe question. He came down to the House, impressed with the propriety of voting for the Bill, as amended by the Lords, notwithstanding that the appropriation clause, for which he had previously voted, had been struck out of the Bill; but he was then unacquainted with the effects of the extensive alterations which had been made in the Bill in other respects, by which he saw that, so far from obtaining any surplus, the proposed redistribution would require an access above the Church revenues of no less than 134,550*l.*, upon which ground, reserving to himself the unfettered right of considering the question of appropriation at another opportunity, he should vote against the amendments of the Lords.

The House divided on the original question:—Ayes 260; Noes 231: Majority 29.

List of the AYES.

Acheson, Viscount
Adam, Sir C.
Aglionby, H. A.
Alston, R.
Angerstein, J.
Anson, G.
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Ball, N.
Bannerman, A.
Barclay, D.
Baring, F. T.
Barnard, E. G.
Beauclerk, Major
Bellew, Richard M.
Bellew, Sir P.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon C. C.
Bernal, Ralph
Bewes, T.
Biddulph, Robert
Bish, T.
Blake, M. J.
Blamire, W.
Blunt, Sir C.
Bowes, John
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Buller, Charles
Bulwer, H. L.
Bulwer, Edw. G. E. L.
Burdon, W.
Burton, H.
Butler, hon. Pierce
Buxton, F.
Byng, G.
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Carter, J. B.
Cave, Otway
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chalmers, P.
Chichester, J. P. B.
Churchill, Ld. C. S.
Clay, W.
Clayton, Sir W.
Clements, Viscount
Clive, Edward Bolton
Codrington, Sir E.
Collier, John
Conyngham, Lord A.
Cookes, T. Henry
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Crawley, S.
Curteis, H. B.
Dalmeny, Lord
Denison, J. E.
Dennistoun, Alex.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Donkin, Sir R.
Duncombe, T. S.
Dundas, J. D.
Dunlop, J.
Ebrington, Lord
Elphinstone, H.
Etwall, Ralph
Euston, Lord
Evans, G.
Ewart, William
Fellowes, N.
Ferguson, Sir R.
Ferguson, Rob.
Fergusson, rt.hon.R.C.
Fielden, J.
Fitzgibbon, hon. B.
Fitzroy, Lord C.
Folkes, Sir William
French, F.
Gaskell, Daniel
Gisbourne, T.
Gordon, Robert
Goring, H. D.
Grattan, J.
Grey, Sir George
Grey, hon. C.
Grote, G.
Guest, J. J.
Gully, J.
Hall, B.
Hallyburton, hn. D. G.
Handley, H.
Harland, W. C.
Harvey. D. W.
Hastie, Archibald
Hawes, B.
Hawkins, J. Heywood
Hay, Sir A. L.
Heathcoat, J.
Hector, Cornth. John
Heron, Sir R., Bart.
Hindley, C.
Hobhouse, rt.hon.SirJ.
Hodges, Thos. Law
Holland, E.
Horsman, Edward
Hoskins, K.
Howard, R.
Howard, hon. E.
Howard, P. H.
Howick, Viscount
Hume, J.
Humphrey, John
Hurst, R. H.
Hutt, William
Jephson, Chas. D. O.
Kemp, T. R.
King, Edward B.
Labouchere, rt. hon. H.
Lambton, Hedworth
Langton, W. Gore
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Loch, James
Lushington, Dr.
Lushington, C.
Lynch, A. H. S.
Mackenzie, S.
M'Leod, Roderick
M'Namara, Major
M'Taggart, J.
Maher, John
Mangles, J.
Marjoribanks, Stewart
Marsland, H.
Martin, T.
Maule, hon. F.
Methuen, P.
Moreton, hon. A. H.
Morpeth, Viscount
Morrison, James
Mullins, F. W.
Murray, rt. hon. J. A.
Nagle, Sir Richard
O'Brien, Cornelius
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Ferrall, R. M.

O'Loghlen, M.
Ord, W. H.
Oswald, J.
Palmer, General C.
Palmerston, Lord Vist.
Parker, John
Parnell, rt. hn. Sir H.
Parrot, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, hon. C. A.
Philips, M.
Philips, G. R.
Phillips, C. M.
Ponsonby, hon. J.
Ponsonby, W.
Potter, Richard
Poulter, J. S.
Power, J.
Price, Sir R., Bart.
Pryme, G.
Pryse, P.
Ramsbottom, John
Rice, rt. hon. T. S.
Rippon, C.
Robarts, Abraham W.
Robinson, G.
Roche, William
Roebuck, J. A.
Rolfe, Sir R. M.
Rundle, John
Russell, Lord John
Russell, Lord
Russell, Lord Charles
Ruthven, Edw.
Sanford, E. A.
Scholefield, Joshua
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Simeon, Sir R. G.
Smith, J. A.
Smith, hon. R.
Smith, R. Vernon
Smith, Benjamin
Stanley, hon. H. T.
Stewart, P. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord James
Stuart, Lord D.
Stuart, V.
Talbot, C. R. M.
Talbot, J. Hyacinth
Tancred, H. W.
Thomson, right hon. C. P.
Thompson, Colonel
Thornley, Thomas
Tooke, W.
Tracey, Charles H.
Troubridge, Sir E. T.
Tulk, C. A.
Tynte, C. K. K.
Tynte, C. J. Kemeys
Verney, Sir H., Bart.
Villiers, C. P.
Vivian, Major
Vivian, J. H.
Wakley, T.
Walker, C. A.
Wallace, Robert
Warburton, H.
Ward, H. G.
Westenra, H. R.
Westenra, hon. J. C.
Whalley, Sir S.
Wigney, I. N.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Wilks, John
Williams, Wm.
Williams, W. A.
Wilson, Henry
Winnington, Sir T.
Winnington, H. J.
Wood, C.
Wood, Alderman
Woulfe, Sergeant
Wrightson, W.
Wyse, T.
Young, G. F.

TELLERS.

Stanley, E. J.
Steuart, Robert

List of the NOES.

Agnew, Sir Andrew
Alford, Lord
Alsager, Captain
Arbuthnot, ho [illegible]
Archdall, M.
Ashley, Lord
Ashley, hon, H.
Attwood, M.
Bagot, hon. W.
Bailey, J.
Barclay, Charles
Baring, F.
Baring, H. Bingham
Baring, T.
Barnbey, J.
Beckett, rt. hon. Sir J.
Benett, J.
Bentinck, Lord G.
Beresford, Sir J. P.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Boldero, Henry G.
Bonham, R. F.
Borthwick, Peter
Bradshaw, J.
Bramston, T. W.
Brownrigg, J. S.
Bruce, Lord E.
Bruen, Col.
Bruen, F.
Buller, Sir J. Y.
Burrell, Sir C. M.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Castlereagh, Vis.
Chandos, Marq. of
Chapman, A.
Charlton, E. L.
Chichester, A.
Chisholm, Alex.
Clive, Visc.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Compton, H. Combe
Corbett, T. G.
Corry, hon. H. T. L.
Crewe, Sir G., Bart.
Cripps, J.
Dalbiac, Sir C.
Damer, D.
Darlington, Earl of
Dick, Quintin
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. A.
East, J. B.
Eastnor, Vis.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J.
Estcourt, T. G. B.
Fancourt, Major
Feilden, W.
Ferguson, G.
Finch, George
Fleming, J.
Foley, E. T.
Forbes, W.
Forester, hn. G. C. W.
Forster, Charles S.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, Thomas
Gladstone, W. E.
Glynne, Sir S. R.
Gordon, W.
Gore, W. Ormsby
Goulburn, hon. H.
Graham, Sir J.
Greene, Thomas
Greisley, Sir R.
Grimston, Viscount
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, H.
Hanmer, Sir J., Bart.
Harcourt, G.
Hardinge, Sir H.
Hardy, John
Hawkes, T.
Henniker, Lord
Herries, rt. hn. J. C.
Hill, Sir R., Bart.
Hodgson, J.
Hogg, J. W.
Hope, Henry T.
Hotham, Lord
Houldsworth, T.
Hoy, J. B.
Hughes, Hughes,
Jackson, Sergeant
Jermyn, Earl of
Inglis, Sir R. H.
Jones, T.
Kavanagh, T.
Kearsley, J. H.
Kerrison, Sir E.
Ker, David
Knatchbull, Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lees, J. F.
Lefroy, A.
Lefroy, right hon. T.
Lemon, Sir C.
Lewis, David
Lewis, Wyndham
Lincoln, Earl of
Lowther, Col. H. C.
Lowther, Lord
Lowther, J.
Lucas, E.
Lushington, S. R.
Lygon, hn. Col. H. B.
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Manners, Lord C.
Mathew, Captain
Maunsell, T. P.
Meynell, Captain
Miller, W. H.
Mordaunt, Sir J., Bt.
Morgan, Chas. M. R.
Neeld, Joseph
Neeld, John
Nicholl, Dr.
Noel, Sir G.
Norreys, Lord
Owen, Sir John, Bart.
Packe, C. W.
Palmer, Robert
Palmer, G.
Parker, M. E.
Peel, rt. hn. Sir R.
Peel, Col. J.
Peel, E.
Peel, rt. hon. W. Y.
Pelham, J. C.
Pemberton, T.
Penruddocke, J. H.
Perceval, Colonel

Pigot, Robert
Plumptre, John P.
Polhill, Frederick
Pollen, Sir J., Bart.
Pollington, Vis.
Pollock, Sir F.
Praed, W. M.
Price, S. G.
Price, R.
Pringle, A.
Pusey, P.
Rae, Sir W., Bart.
Reid, Sir J. Rae
Richards, R.
Richards, J.
Rickford, W.
Ross, Charles
Rushbrooke, Colonel
Russell, C.
Sanderson, R.
Sandon, Lord
Scarlett, hon. R.
Scott, Sir E. D.
Scourfield, W. H.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Smith, A.
Smyth, Sir H., Bart.
Somerset, Lord E.
Somerset, Lord G.
Spry, Sir S.
Stanley, Lord
Stewart, John
Stewart, Sir M. S., Bt.
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Thompson, Ald.
Tollemache, hon. A.
Trench, Sir Fred.
Trevor, hon. A.
Trevor, hon. G. R.
Twiss,
Tyrre H. ll.T.
Vere, Sir C. B., Bart.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R. R.
Wall, Charles Baring
Walter, J.
Welby, G. E.
Weyland, Major
Whitmore, T. C.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel
Wyndham, W.
Wynn, Sir W.
Yorke, E. T.
Young, J.
Young, Sir W.

TELLERS.

Clerk, Sir G.
Fremantle, Sir T. W.

Paired off.

AYES.	NOES.
Blackburne, T.	Wortley, J.
Anson, Sir G.	Miles, W.
Ainsworth, P.	Wilbraham, R. B.
Andover, Lord	Walpole, Lord
Barron, H. W.	Coote, Sir C.
Barry, G. S.	Longfield, J.
Belfast, Earl of	Ossulston, Lord
Berkeley, G.	Goodricke, Sir F.
Bodkin, I. J.	Kirk, P.
Browne, R. D.	Tennent, E.
Buller, E.	Patten, W.
Cayley, E. S.	Irton, S.
Chapman, M.	Plunkett, R.
Campbell, W.	Brudenell, Lord
Colborne, R.	Baillie, Col.
Crompton, S.	Stanley, E.
Curteis, E.	North, F.
Childers, T.	Johnstone, Sir J.
Dobbin, L.	O'Neill, hon. J.
Dundas, T.	Praed, J. B.
Dundas, J.	Ingham, R.
Fazakerley, T. N.	Knight, G.
Fergus, J. S.	Martin, J.
Finn, W.	Geary, Sir W.
Fitzsimon, N.	Cole, Lord
Fitzsimon, C.	Cooper, E. S.
Fort, J.	Bolling, W.
Gillon, W. D.	Ryle, J.
Grattan, H.	Scott, Lord J.
Grosvenor, Lord R.	Estcourt, T.
Hodges, T.	Hay, Sir J.
Jervis, J.	Duncombe, W.
Heneage, E.	Verner, Col.
Johnston, A.	Balfour, T.
Marshall, W.	Baring, W. B.
Lister, E. C.	Halse, J.
Molesworth, Sir W.	Smith, T. A.
Mostyn, hon. E. M L.	Jones, W.
Musgrave, Sir R.	Marsland, T.
O'Brien, W. S.	Ferguson, Sir R. A.
Oliphant, L.	Entwistle, J.
O'Connell, M.	Sinclair, Sir G.
O'Conor Don	West, John B.
Lee, Lee	Powell, Col.
Long, W.	Wynn, C.
Paget, F.	Hope, J.
Pendarves, E. W. W.	Miles, P. J.
Roche, D.	Bateson, Sir R.
Rooper, J. B.	Chaplin, Col. T.
Sharpe, M.	Johnstone, H.
Sheil, R. L.	Hayes, Sir E.
Speirs, A. G.	Bruce, C.
Scott, J. W.	Owen, H.
Talfourd, T. N.	Goulburn, E.
Thompson, P. B.	Herbert, S.
Trelawney, Sir. W. L.	Follett, Sir W.
Turner, W. S.	Davenport, I.
Walker, R.	Heathcote, G.
Wemyss, J.	Grant, Col.
White, S.	Maxwell, H.
Williams, Sir J.	Dottin, A. R.
Williamson, Sir H.	Bell, M.
Woulfe, J.	Jackson, J. D.
Wrottesley, Sir J.	Cartwright, W. R.
Kerry, Earl of	Greville, Sir C.
Denison, W.	Copeland, W. T.

The main question agreed to. Consideration of the amendments put off for three months.

HOUSE OF LORDS,

Wednesday, August 3, 1836.

MINUTES.] Bills. Read a third time:—Civil Bill Courts (Ireland).—Read a first time: — Common Fields' Inclosure; Stannaries; Turnpike Roads Acts' Continuance.

Petitions presented. By the Earl of SHAFTESBURY, from Highgate, against the erection of a Chapel by the London Cemetery Company, near the Church. — By Viscount MELBOURNE, from the Andersonian University of Glasgow, for the Removal of Restrictions in respect to admission to the Scotch Universities.

HOUSE OF COMMONS,

Wednesday, August 3, 1836.

MINUTES.] Bills. Read a third time: — Medical Witnesses.

ON RAILWAYS—ALTERATIONS IN THE STANDING ORDERS.] Mr. *Poulett Thomson* rose, as Chairman of the Committee appointed by that House, to propose the adoption by the House of the Resolutions to which the Committee had come. Perhaps it would be more convenient, as they would have to go through the resolutions *seriatim*, if any objections were made to them, for him to offer, with the assistance of the other Members of the Committee, any explanations that should be necessary, rather than to take up the time of the House in pointing out all the alterations which it was proposed to make. He would merely state, that the Committee over which he had had the honour to preside had given their best attention to the consideration of the subject; first, with regard to any amendment that it was desirable to introduce into the standing orders on railroads which were especially referred to them, and afterwards in consequence of suggestions made to them on the standing orders generally. In the course of their investigation into the subject, the reference of a petition for a Bill to a Committee naturally came before them, and it appeared that the present practice was one which the Committee could not recommend the continuance of. It appeared, that in a petition of that description there was very little for serious consideration, the parties being heard on one side, the matter in cases of difficulty and doubt being sent to the Standing Orders' Committee. They, therefore, suggested to the House the propriety of altering that tribunal, and referring such petitions to a Committee of a different description. They proposed for this purpose to constitute, at the beginning of the Session, a Committee, consisting of forty-two Members, to be divided into six sub-Committees, having power to act each as a separate Committee, under such regulations as should be approved of by the Committee annually when first instituted. The facts of the case would be investigated by that Committee, or by each of the sub-Committees, so as to ascertain if the standing orders had been complied with, and he entertained little doubt that the business would be got through speedily, and with infinitely more care and attention than the present system admitted of. He then proposed, that the Committee should take cognizance of facts, and that upon the facts as reported to the House, the Standing Order Committee, which they proposed to diminish in number to fifteen, and which would of course consist of Members that would not serve on the other Committees, would give their decision, which would be an equitable one, as to the Bill going on or not. There would be a tribunal before which the facts would be proved—there would be a tribunal which would decide on these facts, and administer an equitable jurisdiction with reference to the facts thus proved. These were the principal alterations—there were other alterations, which would be read from the chair, on which he did not think it necessary to make any remark, as they would be explained hereafter. He then came to the resolutions relating to the standing orders on the railways themselves. A great number of the alterations proposed were rendered necessary in consequence of no standing orders being applicable to railways before; but having been placed generally under standing orders of canals and navigation. There was another change that deserved to be noticed—namely, the recommendation of the Committee with regard to a change of time for giving notices. They proposed, that the time for the deposit of maps, charts, and plans, should be changed from the 30th of November to the 1st of March; this would have the effect of throwing back Bills for six months, or one Session of Parliament; but they did not propose to apply that rule to any Bill that might be brought forward during the next Session. The Committee had drawn up two sets of resolutions—one referring to the next Session, and the other to Bills to be brought in afterwards. Into the first of these series they had introduced all the amendments they had considered necessary, with the exception of the change of time to which he had already alluded; and he should hope that no objection would be made by the House to the adoption of that change. The Committee had paid great attention to the subject, and after the most mature consideration, they had come to the resolution, that the proposed change was most necessary and advisable. Greater opportunity would thereby be afforded to parties along the line to make themselves acquainted with the proposed line, and the way in which it would affect them, and to admit of more consideration in every respect. In subsequent resolutions the Committee had modified the plan, the effect of which would be, that the promoters of Bills would have from five to six months afforded them to prepare their maps and plans, and not to get them up in the hasty and incorrect manner as heretofore, and all those interested would have ample opportunity to confer, and to decide on the best and most approved line. But still more important advantage would be gained, as the parties applying for Bills would be obliged to put in their plans by the 1st of March, and those plans would be open to the inspection of Committees sitting on any other Bills. Great difficulty had arisen from the resolution regarding competing lines, for parties were found who hastily got up projects without plans, which they submitted as competing lines, and thus considerable delay took place, while the *bonâ fide* projectors were subjected to unnecessary expense. These were the principal reasons which had induced the Committee to recommend these alterations. There was one other alteration which he would mention—they now proposed that parochial plans and sections should be lodged in the hands of parish clerks in England, and parish schoolmasters in Scotland—that would be an arrangement which would be easily complied with by parties, and it would be a very great advantage to small proprietors, who were unable, without serious inconvenience, to travel to the offices of the Clerks of the Peace. He did not intend to enter into the details of the resolutions, but he thought it necessary to say so much of the changes contemplated by them. He would only add, that it appeared to the Committee, that it was necessary to come to some understanding with the other House of Parliament; and he was happy to say that the resolutions, though there had not been, and could not be any, official communication between the Committees of the two Houses, were likely to meet with the concurrence of the other House; so that, if no obstacle interfered, the practice of the two Houses would be assimilated at the same time, which would be of great advantage. In submitting these resolutions to consideration, he must observe, that they did not emanate from one side of the House, but came generally from hon. Gentlemen well acquainted with the private business of the House, who had bestowed much attention on the subject, and whom he then saw opposite, and ready to assist him in any explanation that might be required.

Resolutions read *seriatim*.

On the Second Resolution, "That a Select Committee, consisting of forty-two Members (not being members of the Select Committee on Standing Orders), shall be appointed at the commencement of every Session, to which shall be referred all petitions for private bills, except those for Bills to continue or amend any Act for making, maintaining, keeping in repair, or improving any turnpike-road."

Mr. *Wilks* said, he feared that the alteration proposed by his Majesty's Ministers would not be of any great practical use. The House might think they were doing a great deal, when in fact they were doing little or nothing. Nothing was more unsatisfactory than the manner in which the private business of the House was conducted. The appointment of a new Select Committee of forty-two Members would be a serious injury, instead of a great good; it would lead to the increase of litigation, and a new system of expending the money of persons who make applications for Bills. Such things, in his opinion, were to be deprecated. They wanted something similar to that which existed in the House of Lords, to which every Bill might be referred—namely, a competent legal authority and legal officers. He did not think that the present plan would meet the substantial evils of which the country complained, and of which the House and every individual Member of it had a right to complain.

Sir *James Graham* said, that the hon. Member who had just sat down had introduced various topics which were not at all connected with the question before the House. He was decidedly of opinion it was worth while to try the experiment proposed. The only doubt he entertained was whether forty Members would undertake the business; but he believed there would be no difficulty about that. The resolutions had been framed for the protection of public as well as private interests, and under these circumstances he hoped the House would agree to them.

Mr. *John Parker* alluded to the great additional expense which was entailed upon the parties having Bills before committees by the length of time which counsel was allowed to occupy. He hoped the right hon. Baronet would turn his attention to that part of the subject.

Mr. *Aglionby* thought, after the very clear and business-like observation they had heard, no one could doubt the eligibility of the plan. The hon. Member for Boston mistook the matter very much if he supposed that the difficulties which Bills had to encounter before the Standing Orders Committee were not of a very serious nature. He, in the course of his experience on Committees, had found that the greatest difficulties always arose from the standing orders. As to the impracticability of procuring forty-two Members able and willing to perform the duties required of them, he had gone through the list a short time since, and had made out, to his surprise, from both sides of the House, a list of no less than eighty-six Members, unexceptionable in every respect, and he did not think there would be much difficulty in reducing that number to forty-two.

Captain *Pechell* cordially approved of the resolutions brought forward by the Committee. Great dissatisfaction had been created throughout the country by the system hitherto pursued in Railway Committees. He could bear witness to that point from his experience on the Brighton Railway Committee, on which he sat for fifty-four days.

Resolution, agreed to as were the whole of the other resolutions.

STAFFORD BOROUGH.] Mr. *Divett*, after shortly adverting to the rejection of this Bill by the House of Lords, the nature of the inquiry instituted by that House, and the facts it elicited, moved the further suspension of the writ until ten days after the commencement of the next Session.

Sir *Thomas Fremantle*, concurring in the necessity for suspending the writ for the present, thought the House ought not to be bound down to the time proposed by the hon. Member. If the hon. Gentleman would amend his motion by moving the suspension of the writ for a week or ten days, he should not object to it.

Writ suspended until Thursday, the 11th of August.

JEWISH CIVIL DISABILITIES BILL.] The Chancellor of the Exchequer moved that this Bill be now read a second time.

Sir *Robert Inglis:* At last, Sir, we are called upon to discuss this measure, and in a House which, if any Member chose to exercise his undoubted right, might easily be counted out—a House consisting, perhaps, of thirty-five Members (I will not press the objection, because after so long a postponement I wish to take the question on its merits), but it is in such a House that a measure which I and many who think with me consider will have a vital influence on the Christian character of this Christian Legislature, is to be decided. The Bill now before us has been upon the Orders of the House almost as long as the famous Pension Duties' Bill—fifty-five days; sufficiently long at least to tire the patience of any man not actuated by a strict sense of duty. I know, at least, that I speak from my own experience, and I believe that of many of my friends, when I say, that duty alone has brought us down to this House week after week, in expectation of this measure coming on. Is not the plain reason this—that a measure in itself bad can only be perpetrated—I use no harsher term, by a mode still worse? By the mode of effecting the object of this Bill we shall, in my opinion, be unchristianizing ourselves. Let it always be remembered that we are not legislating for New Zealand or Nova Zembla, or any newly established colony. We are legislating for a state of society in which the supreme power has, and long has been, vested in certain bodies, under certain long established conditions and restrictions. It is not therefore that you are called upon, *a priori*, to enact the conditions on which the legislative power shall be exercised. You are called upon to admit the Jews, by omitting that emphatic declaration which every one of you have made at that Table; that we, entering upon our legislative functions, will discharge them "upon the true faith of a Christian." This I contend makes an essential difference between an Act by which in any other country, or above all in a newly erected State, the Jews would be admitted into civil power, and an Act, such as that now under consideration, by which we renounce for ourselves and for them, that solemn covenant which at the Table of this House we make with our country and our God, to perform our duties as Legislators "upon the true faith of a Christian." I know that among those who support this measure there are many (none more than my right hon. Friend, the Chancellor of the Exchequer) who cannot without reluctance and pain, reflect that they are about to take such means of effecting such an object; not to introduce, but to erase words; and about to enact, that they will not in future discharge their legislative duties "upon the true faith of a Christian," for that is the real point at issue; that is the only mode in which the object of this Bill can be effected; I am certain they must feel regret in reflecting upon this. I am certain their real sentiments, if expressed, would be such as these, "We are truly sorry to be compelled to take this course; but it is the only mode by which our object can be effected: a public measure is to be carried; it cannot be carried but by this means; we are grieved thus to throw into the dust our common Christianity; but the Jew will not be contented without; contented he must be; therefore annihilated must be that solemn declaration of the Christianity of the Members of this House. I have, however, rather anticipated the order in which I should have discussed this question. I should first have said, that my objection was absolutely to the admission of Jews into this House; whatever might be the mode in which it was done, and independently of my objection to the means by which this Bill proposes to effect the object; but which, in such a country as this, and with such a body of legislation as lies upon that Table, is, I admit, the only method by which it could be effected. I strongly, and unconditionally, protest against the introduction of the Jews into Parliament at all. I believe that the Jews, by their own testimony, and by the testimony of all antiquity, may be considered—no one will deny it—as an entirely distinct and separate nation. I repeat, it is not that which we (when I say "we" I mean every Christian community in Europe)—it is not what we say, it is not what their opponents say (that might be considered as a relic of barbarism),—it is the language of the Jews themselves, that they are a distinct people. No one, I believe, will venture to contradict the evidence which I shall bring in confirmation of this statement; not from writers six, seven, or eight centuries old (for they might be deemed influenced by the barbarous prejudices of past ages), but from modern writers of their own nation. Before I go farther let me say that I have never in discussing this question (and I have been called to discuss it often), I have never, so far as I can recollect, suffered myself to speak of the Jews with disrespect. I have stated what I believe to be the fact, that, notwithstanding the vulgar prejudice against the Jews, their moral character, taking numbers for numbers, will bear comparison with that of any other people. I have never rested my opposition to their claims upon any popular antipathies, never availed myself of any prejudice against their character; let me add, that as a nation I regard them as a standing miracle, and as such I speak of them not merely with respect but with awe. The question now is, whether they regard themselves as a nation, not merely separated from us at present, but for ever impossible to be united to us. I believe they do thus regard themselves; and more than that, let it be considered they are as a nation, necessarily, essentially, opposed to that which we regard as our greatest privilege, our highest blessing, our brightest distinction;—they are necessarily, and on principle, hostile to that which we regard as the crown of all our glory (or if we do not so regard it we are not entitled to style ourselves Christians)—our common Christianity.

Sir, I say, that the distinction of the Jews consists not merely in their creed: they are a nation; their creed and nationality are one and the same, and that this is their own belief I shall now proceed to show. A few years ago, a letter was addressed to my right hon. Friend, then Secretary of State for the Home Department. It was a published letter,—from Mr. Hart to Sir Robert Peel—and the writer thus expresses himself: "I feel myself called upon, as a member of an ancient and oppressed *people*." The House will see, the Jews do not claim relief as the Roman Catholics, or as the Protestant Dissenters claim it—as fellow-subjects differing in religious belief; but they appeal to us as a distinct people; they give us at once to see that they believe themselves to be a nation; and so instinctive, I might almost say, is this conviction, even in the minds of hon. Members opposite, that in a discussion upon the Marriage Bill, on the 13th June, the hon. and learned civilian, the Member for the Tower Hamlets (Dr. Lushington), used these very words: "If a Jew marry agreeably to the usages of his own *nation*." I bring this example forward, to show that, in the opinion even of the friends of the Jews, of hon. Gentlemen opposite, they not only hold a distinct creed, but are a distinct people. If so, what more reason have we to give them civil power in this country, than to naturalise so many Russians or Prussians? —Again, this nation, if true to themselves, and to their own prophetical destiny, can never be identified with us. Upon a former occasion, I quoted some opinions of a Gentleman (whose name was then, I believe, indistinctly heard in the House) from whom I have since received a letter, a passage of it I will read to the House. I allude to the Rabbi Crool. He refers to the prophetic destiny of the Jews, a subject far too high for discussion in this House, but to which, on such a question, I think it not unfitting to make a passing allusion; and after alluding to their present condition, he continues thus: "Suppose a King of England to condemn a person to be transported for a time known only to the King, the person was transported, and an order sent with him to the governor, informing him of the duration of the sentence. In process of time, the governor set free the prisoner. He went further, he made him a citizen: he went still further, he promoted him to a high station in life. The conduct of the governor was reported to the King. Let hon. Gentlemen who support this Bill pass sentence, whether the governor will be found guilty of breaking the command of his King." No one can be so ignorant, Sir, of his own country's history, and the history of the Jews, as not to perceive the events to which these allusions refer. None can require to be informed, that the governor receiving the transported person, is the supreme governor of this country, and that the person transported, signifies the banished, "scattered and peeled," rejected of all nations—the Jews. We believe the Jews to be sentenced to this separation from all nations, for causes with which every man who reads his Bible must be well acquainted; and we are called upon, not merely to set them free, but to make them citizens; and still further, to give them civil power over a Christian Church, and enable them to exercise the duties of Legislators over this Christian nation. I might produce many other passages from the writings of Jews; all concur in the same opinion. To admit the Jews into civil power, and to confer on them the right to legislate for this country, would be inevitably to place them in a situation in which their interests as a nation, would be inconsistent with the interests of the people of this country. To give only one instance; Members of this House are often called upon to legislate with respect to the Established Church of this realm, and is it fitting that men, not only strangers to us as a nation, but strangers to us in that which constitutes our peculiar glory, our Christianity, should legislate upon such a subject. I stated upon a former occasion, I do not believe that the great body of the religious Jews in this country participate in the anxiety entertained upon this subject by the political Jews. The answer then was, "wait for petitions;" and certainly my right hon. Friend, the Chancellor of the Exchequer, did present, soon after, sundry petitions in favour of the measure. But I believe it will be found, that the priests of the Jews do not join in these petitions; and that they feel it inconsistent with their peculiar situation, to mix themselves up with the temporal affairs of another nation. And the Rabbi Crool uses this language: "I will now turn to my brethren, the Jews, and I say to them, 'suppose that the Bill is passed, and that you are equal in every respect,' you will then say, 'London is our Jerusalem, England is our land of Canaan; we have no need now of another Jerusalem, no need of another Canaan!'" It may be said, indeed, "that is their own affair, let them look to that." But I contend, that to effect a temporal object, you have no right to place them in such a predicament, and to tempt them, for temporal advantage, to neglect that which they feel to be their spiritual privilege. In the present state of the House, whatever I might feel inclined to say, it would be useless now. It is quite evident that the subject does not excite that interest which so great a change in the institutions of the country ought to excite. I consider it as a measure which, without producing the benefits which my right hon. Friend anticipates, will be followed by more serious consequences than he imagines. I impute no motives—I appeal to him with the perfect confidence, that however widely we may differ on questions of public policy, we agree on that which is vastly superior to the most weighty of earthly considerations. I am sure he must feel reluctance in expunging from the declarations which the Members of this House take, those emphatic words, by which they solemnly profess their Christianity, and their accountability to the God of the Christians, for the care which they shall take over his

Church and his people in this land. With these feelings, Sir, I move as an amendment, " That this Bill be read a second time this day six months."

Colonel *Sibthorp* thought it was almost impossible that any Minister of the Crown could have brought forward such a measure in such a thin House, but he believed that he should not discharge his duty unless he moved that the House be counted.

The House was counted, but forty Members were present.

The *Chancellor of the Exchequer* had repeatedly postponed the measure at the suggestion of his hon. Friend opposite, and was, therefore, surprised that complaints should be made that it was brought forward in such a thin House. He denied that there was anything in the measure which was opposed to the spirit of the Christian religion. If such could be the case, the injury had already been done, because a bill of the same character had already received the sanction of large majorities in former Sessions of Parliament. The feeling out of doors was decidedly friendly to the principle of the measure, and the cities of London, Liverpool, Worcester, Leeds, Portsmouth, Edinburgh, &c., had petitioned in its favour. His hon. Friend said the Jews were a nation apart from this, but what had made them so? The barbarous policy that had been pursued towards them. He was anxious to make England their country and their home. He fervently hoped the decision of the House on this occasion would show, that the Commons of England were anxious to get rid of this last remnant of intolerance, by admitting all classes of his Majesty's faithful subjects to the rights, immunities, and advantages of the Constitution under which they lived.

Mr. *Forster* opposed the Bill, contending that all attempts to incorporate the Jews with a Christian nation must ultimately prove abortive; London could never be made their Jerusalem. He had been a supporter of Catholic emancipation, but that question rested on different grounds from that of the Jews. He remembered on the discussion of that question, a predecessor of the right hon. Gentleman in the chair had expressed a hope that the time might never come when this country would cease to be constitutionally Protestant. He hoped that the time might not come when it would cease to be constitutionally Christian. He opposed the motion.

Mr. *W. Roche* would give his support to the Bill on principle, and also from personal feeling. He supported it on principle, because he thought that every British subject was entitled to equal rights and privileges; and he supported it from personal feeling because as a Roman Catholic he had long felt the injustice of his own exclusion from many civil rights, and he would not refuse to a fellow-subject that right which as such a subject he had at length obtained himself.

Mr. *A. Trevor* opposed the Bill, not as a member of the Church of England, or any particular sect, but as a member of the Church of Christ. He also objected to the discussion of a measure of such importance in so thin an attendance, as to be scarcely enough to constitute a House. It ought to have been reserved until every Member should have an opportunity of expressing his opinion on it. As many Members were elected since the Bill was last in the House, their constituents should first have an opportunity of stating their opinions on it.

Mr. *Benett* supported the Bill. If it was considered so important why did not hon. Members attend who intended to oppose it? The Jews were good and loyal subjects, and were fully entitled to equal privileges with all other British subjects. He strongly objected to mixing civil rights with religious opinions.

Mr. *Finch* had no wish to mix up politics and religion; but as Members of that House had to decide on matters relating to the Christian church, and to Christianity generally, he did not think that a Jew would be fit to take a part in such deliberations. There was a great difference between civil rights, and civil privileges. He would extend civil rights to the Jews but he considered that he did them no injustice in refusing them the privilege of being eligible to sit in Parliament. He did not believe that the people of this country were at all in favour of the measure, and on these grounds he would oppose it.

Mr. *Potter* said, that the question was purely political in its character, and ought not to be considered with reference to religious creeds. The time was come when the civil disabilities of the Jews ought to be removed.

Mr. *Hardy* had been asked by his constituents upon the hustings, whether, if returned, he would vote against the Bill or not;

and he declared, that he would certainly vote against it, and he was returned by a larger majority than had returned him before. The Chancellor of the Exchequer had argued the question like a Deist. The supposition of a Providence was not the doctrine of the people of England. Was it for the possession of civil privileges that they supported the Established Church, or did they not rather support it that the people might learn from its ministers, as the oracles of God, those means by which their eternal salvation was to be secured? He complained of this Bill, not because it removed disabilities, but because it conferred abilities at variance with the Constitution of the country, and incompatible with the principles by which that Constitution was governed. They were excluded from political privileges, because, if they were sincere and conscientious, they must feel bound to do that which was at variance with the interests of the Protestant Church. He felt bound to give the measure his fullest and most earnest opposition.

Mr. *Rundle* would support the Bill, because he thought laws which excluded any man from the enjoyment of civil rights on account of his religious opinions were opposed to the spirit of Christianity.

Mr. *Plumptre* would not go over the ground which had been taken up by his hon. Friends who opposed this Bill, but would content himself with saying, that he felt bound to support the Christian Constitution of the country, and, considering this Bill to be a direct insult to that Constitution, he should vote against it.

Mr. *Borthwick* was ready to admit, that persecution was contrary to the spirit of Christianity, but the question came before the House in quite another shape. Christianity was an element of the civil polity of the realm, and though Roman Catholics had been admitted as Members of that House, that was no argument in favour of the Jews, inasmuch as both Protestants and Catholics drew their faith from the same source, but the Jews denied the very God in whom the others believed. If the Jews were admitted to legislate for the country, there would be, at once, an end to the connexion with the Christian religion as an element of the Constitution. What was the question? Was it not whether a Bill should be passed to disunite for ever the religion and politics of the British Government, and to destroy the great principles in which the people were educated from their youth, and which bound them together under the name of Christians, from the King downwards? He thought the Jews themselves would not consider the success of the Bill any great advantage to them; and he believed that no sincere Jew could occupy a seat in that House without feeling that he had insurmountable difficulties to encounter in the whole of his progress as a legislator for a Christian country.

Mr. *Brotherton* could not give a silent vote on the present occasion. He declared that he would place more confidence in a man who did not profess to believe in a particular doctrine, than in one who professed to be a Christian, and yet lived in a manner that was dishonourable to his profession. He thought that the man who was willing to devote his life, property, and talents to the benefit of his fellow men, ought not to be deprived of his civil rights and privileges, which would enable him to fulfil his intentions, because he did not happen to agree with others on certain doctrines. Believing the Christian religion to be one of pure charity and humanity, he should support the Bill.

The House divided:—Ayes 39; Noes 22: Majority 17.

List of the AYES.

Aglionby, H. A.
Bagshaw, John
Baldwin, Dr.
Barnard, E. G.
Benett, J.
Blamire, W.
Bowes, John
Brabazon, Sir W.
Brady, Denis, C.
Brocklehurst, J.
Brotherton, J.
Butler, hon. Pierce
Crawford, W. S.
Duncombe, T. S,
Heathcoat, John
Hindley, C.
Hodges, T. L.
Hodgson, J.
Horsman, E.
Howard, P. H.
Lushington, Charles
Morrisson, J.
O'Brien, Cornelius
Parker, John
Philips, Mark
Rice, right hon. T. S.
Robinson, G.
Roche, William
Rundle, J.
Ruthven, E.
Scholefield, Joshua
Thompson, Alderman
Thornley, T.
Tooke, W.
Wallace, Robert
Warburton, H.
Wigney, Isaac N.
Williams, W.
Wood, Alderman

TELLERS.

Potter, Richard
Baines, Edward

List of the NOES.

Ashley, Lord
Brownrigg, J. S.
Duffield, Thomas
Forbes, Wm.
Forster, Charles S.
Hardy, J.
Henniker, Lord
Inglis, Sir R. H., bt.
Jones, Theobald
Lowther, Col. H. C.
Maunsell, T. P.
Pigot, Robert
Plumptre, J. P.
Richards, R.
Sibthorp, Col.
Stormont, Lord

Trevor, hon. A.
Vere, Sir C., bt.
Vesey, hon. T.
Welby, G. E.
Whitmore, Thomas C.
Williams, Robert

TELLERS.

Finch, George
Borthwick, Peter

Bill read a second time.

BRIBERY AT ELECTIONS.] On the motion that the House do go into Committee on this Bill,

Colonel *Sibthorp* was unwilling to interrupt the business of the House, but opposed as he was to this Bill, he felt it to be his duty to move, as an amendment, that this Bill be committed this day six months.

Mr. *A. Trevor* opposed the Bill. He did not consider that any benefit could be derived from a Bill of this description. He was assured that such a Bill could never pass, or if passed, could never come into operation while they had 10*l.* voters as the consequence of the Reform Bill. Bribery, he was certain, must continue to exist so long as they had such constituents as the 10*l.* voters of Wapping, the Minories, and Rag-Fair. Nothing, in his opinion, could be more disadvantageous than the uniformity of franchise established by the Reform Bill.

The *Chancellor of the Exchequer* observed, that this was not a Government measure. It had been brought forward by an hon. Gentleman who differed from the Government; and as the object of the Bill was to prevent bribery, it was his duty to support it. Hon. Gentlemen opposite, who said they were willing to prevent bribery, showed, however, that they had no desire to improve or amend the law. As to what an hon. Gentleman had said of the 10*l.* constituency of Wapping, the Minories, and Rag Fair, he trusted that it would be remembered that there was the same class of constituents in Durham and Lincoln.

Mr. Forbes moved, that the House be counted.

Forty Members being present, the business proceeded.

Alderman *Wood* declared, that in London the poorest constituents never asked, and never received, a shilling for their votes, and never were paid for the time lost y them in exercising of their franchise.

Mr. *Forbes* considered, that he had every right to use his privilege as a Member of that House when he found a question of such vast importance discussed amongst a few Members. His great objection to the Bill was, that if adopted the poor out-voters could not exercise their privileges. It was in his opinion most unfair to state, that those who opposed this Bill were favourable to bribery.

Mr. *Pryme* said, he could not see why Members who came down to the House should be prevented entering upon the business of the day, because others chose to absent themselves—why A, B, and C, should not be allowed to do their duties because X, Y, and Z were not there to join them.

The House divided on the original question:—Ayes 37; Noes 2: Majority 35.

List of the AYES.

Aglionby, H.
Alston, R.
Baines, E.
Baldwin, Dr.
Bannerman, Alex.
Bish, T.
Blamire, W.
Borthwick, P.
Brabazon, Sir W.
Brotherton, J.
Brownrigg, S.
Crawford, W.
Duncombe, T. S.
Ewart, W.
Ferguson, rt. hon. C.
Forster, C. S.
Hall, B.
Hardy, J.
Heathcote, J.
Howard, H. P.
O'Brien, C.
Parker, John
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Rundle, John
Ruthven, E. S.
Scholefield. J.
Thompson, Ald.
Thornley, T.
Tooke, William
Wakley, T.
Wallace, R.
Warburton, H.
Ward, Henry George
Williams, W. A.
Wood, Matthew

TELLERS.

Horsman, E.
Hawes, B.

List of the NOES.

Forbes, W.
Lowther, Col.

TELLERS.

Trevor, hon. A.
Sibthorp, Col.

The House went into Committee, and the Bill went through a Committee. House resumed. Bill to be reported.

MEDICAL WITNESSES.] Mr. Wakley moved the third reading of the Medical Witnesses Bill.

Colonel Sibthorp, moved as an amendment, the adjournment of the House.

The House divided on the amendment; —Ayes 4; Noes 32: Majority 28.

The Bill read a third time.

On the question, that a clause exempting Scotland from the operation of the Bill, be brought up.

Colonel Sibthorp moved, that its further consideration be postponed to that day three months.

Mr. A Trevor seconded the motion.

The House again divided:—Ayes 0; Noes 36: Majority 36.

The clause was brought up and agreed to. Bill passed.

HOUSE OF LORDS,

Thursday, August 4, 1836.

Minutes.] Bills. Read a third time:—Marriages:—Read a second time:—Highway Rates; Ecclesiastical Leases Act Amendment.—Read a first time:—St. Clement's Church, Oxford; Marriages validating.

Petitions presented. By Lord Stafford, and the Marquess of Salisbury, from various places, for Charitable Trustees Bill.—By the Duke of Wellington, from Manchester, for Inns and Alehouses' Bill.—By Viscount Melbourne, from Donegal, against empowering the Lord-Lieutenant, to remove the Infirmary from Lifford to Litterkenny.—By the Earl of Rosslyn, from Fife, complaining of the Prison Discipline of Scotland.—By the Earl of Ripon, from the Bishop of Sodor and Man, against the Union of that See with Carlisle.

Brighton Railway.] The Duke of *Richmond* could not lay on the table the Report of the Brighton Railway Committee without calling the attention of their Lordships to what he conceived to be the extraordinary conduct of that Committee. He had not the most remote intention of attacking personally any Member of the Committee. He was perfectly convinced, from a knowledge of their character, that they never would think of doing anything which they did not believe to be right. But, in justice to those who were more particularly concerned, and in order that the confidence of the country in the proceedings of Committees of that House, might be retained, he felt it necessary to make a few observations on what had occurred. A Railroad Bill, founded on Stephenson's line, had been laid on the table of the House of Commons, and was referred to a Committee of that House. At the time that the parties became shareholders they did not know anything of those regulations which Parliament had afterwards agreed to; neither did they know that there would be three or four lines competing against them. Well, after fifty days' examination before a Committee of the House of Commons, the Bill came up to their Lordships' House. It was eighteen days before a Committee of their Lordships—a Committee that sat for a greater number of hours than any other which he had ever attended, for they met at ten o'clock in the morning, and remained sitting until five o'clock, when the House assembled; but after all this investigation, after all this examination and cross-examination of witnesses, after the fullest inquiry had been entered into, instead of stating the reasons which induced the Committee to come to a particular result, they had chosen to shirk the question, and, on the second resolution, an amendment was moved and carried—"That it was not expedient to proceed further with the Bill this Session." Those who thought Rennie's line preferable, those who conceived Cundy's line to be practicable, and those who were favourable to the Horsted line, voted together on this question, and thus threw out the Bill. This, he conceived, was a very great hardship on the speculators. It was said, that speculators in such a case had no right to complain; but he maintained that they had. If there were not private individuals in this country ready to undertake works of great magnitude, and of immense importance to the country at large, they would be driven, when such works were required, as was the case in other countries, to apply to the Government, and the necessary funds must be supplied from the public purse. He conceived, that the Committee ought to have stated what they conceived to be the best line of road; and, in saying this, he spoke not for the particular company, but for the community at large. Was it right, when individuals came forward and hazarded 100,000*l.*, that a Committee of the House of Lords should, after eighteen days' inquiry, turn round and say—"We cannot, or do not choose to, make up our minds on the subject?" Was not such a course calculated to keep in suspense the whole body of landholders between this and Brighton? Were they not, by taking such a step, opening a wide field for the ingenuity of every little pettyfogging attorney between this city and Brighton, who, in the utter ignorance which prevailed on the subject, in the absence of any decision, might assert that he knew the predilection which the House of Lords felt for the advantages attached to his particular plan or scheme? The dupes of such people would lose their money, they would be deluded and ruined, because the House of Lords had not done their duty. In his opinion, the Committee were bound to return an answer to every one of those resolutions relative to railways to which the House had formerly agreed. If they had said that Stephenson's was not the best line—if they had resolved that other surveys which had been made presented greater advantages, that would have been intelligible. But such a course was not deemed advisable. The object of noble Lords was to concentrate their forces. Therefore they made no mention of any of the other lines, which might have occasioned a difference of opinion. No, they were desirous of concentrating opinion to one point, and to effect that object no notice was taken of the other lines. He had deemed it right to say thus much, without making a personal attack on any individual. He would say nothing of those noble Lords who had not come down regularly, neither would he advert to the canvass of Peers which had taken place; this, however, he would say, that if, by any act of theirs, they weakened the confidence of the country in the proceedings of Committees of that House, they would do more to shake the authority of that branch of the Legislature than their worst enemies out of doors could effect. Hitherto the people had looked to Committees of that House as far superior to Committees of the House of Commons, and they ought carefully to abstain from doing anything that was calculated to create a different impression. The noble Duke then moved, "that this Report be now received."

His Royal Highness the Duke of *Cumberland* declared, that no man in that House felt more strongly than he did, that Committees of the House of Lords should be perfectly pure. And he would further declare, that he had never known a Committee more anxious to examine evidence, and thoroughly to consider the question submitted to them, than the Committee which the noble Duke had thought it right to bring under the notice of the House. He believed, that no two Peers on that Committee could make up their minds as to which of the four lines of road should be preferred. Petitions had been presented to their Lordships and referred to the Committee, not only from Brighton, but from London, stating not merely general, but specific grounds of objection to Stephenson's line. Under the circumstances he would not commit himself either to Stephenson's line, to Rennie's line, or to Cundy's line. Finding petitions against them all, the Committee could not decide, and therefore they recommended in the Report, that the further consideration of the subject should be postponed, in the hope that, before the next Session of Parliament, out of these four lines the best might be selected. So far from any canvassing going forward, he knew of none. No such thing had come to his knowledg. He found it necessary to make these few observations in defence of the character of the Committee.

The Earl of *Abingdon*, having been one of this Committee, would state briefly what was the impression made on his mind by the evidence. He was in very great doubt throughout as to which of the lines was the most preferable. But his mind was made up as to the course he ought to pursue when the noble Duke, after counsel had withdrawn, observed, that he was perfectly satisfied that horse races were far less gambling speculations than those in railroads.

Lord *Monson* said, that the Committee had not come to a decision until after the subject had been thoroughly examined and discussed.

Lord *Wharncliffe* was sure, that the present mode of legislation with respect to railroads would never give satisfaction, and ought to be altered. In a recent case, where a Committee had resolved that the preamble of a Railway Bill (the Manchester and Cheshire) had not been proved, without stating any reason for coming to such a conclusion, he wished to have the Bill recommitted, but the House negatived his motion. In that case he conceived, that the parties had just ground of complaint.

The Earl of *Glengall* disapproved of the decision of the Committee.

The Marquess of *Clanricarde* was perfectly convinced, in his own mind, that the course taken by the Committee was the best that could be adopted; and, to his own knowledge, it had given a very considerable degree of satisfaction out of doors. He was not of opinion that Stephenson's line was the best, but it certainly was brought forward in the best state. If the matter were to be decided merely on that view of the case, perhaps he might have said that it was better than the other lines. But that was not the point on which the question rested; and he was confident, that if that line were submitted to, a Government Commission, such as his noble Friend (Lansdowne) had proposed for Ireland, the Commissioners would not approve of it as the best line.

Lord *Wharncliffe* said, the resolution of the Committee declared that it was inexpedient to proceed further with the Bill this Session." Now, that was not what they were called on to decide. It was their duty to have stated whether the preamble of the Bill was or was not proved, and to give reasons for their decision. Their Lordships could not pass the matter over. They must send the Bill back to the Committee, to report as to whether the preamble of the Bill was proved or not.

The Duke of *Richmond* was compelled to notice the extraordinary statement made by the noble Earl (Abingdon) with reference to what he (the Duke of Richmond) had said in the Committee. That statement was the more extraordinary, as it was made within two days of the time when he had offered the remark to which the noble Earl alluded. The noble Earl was bound in justice, if he asserted that his opinion was changed as to the line of road, in consequence of words said to have been spoken by him) the Duke of Richmond)—the noble Earl was bound, when he completely and perfectly denied that he used such words as the noble Earl had stated, if the Bill should go back to the Committee, to vote for it, and this—that he had not, nor ever had, any shares in that railroad, or in any other railroad whatever,—that he had never had anything to do with any joint-stock companies, any that if he were inclined to embark in and speculation, he should prefer the turf. He felt that Stephenson's line had been very hardly treated, for there never had been any railroad which had so great a proportion of assents on the line. He thought it therefore unfairly, or at any rate harshly dealt with. He did not argue this question on the behalf of any company, but he thought that the House of Lords ought to take care to put a stop to the unwarrantable liberties which the Committee had taken. The noble Baron (Wharncliffe) said, that he had a motion similar to that which he (the Duke of Richmond) was about to make, but was unsuccessful. He must, however, remind the noble Baron that the two cases were not the same. In the noble Baron's case the Committee had only heard the parties who were in favour of the Bill, and had decided that the preamble had not been made out. But here the case was very different; all parties had been examined, and he really believed, that if any one member of the Committee who voted for the Report, were asked, "Where do you find fault with Stephenson's line?" he would be unable to give an answer. Here they had let in the competing lines, and yet the Committee had not reported, as by the sixth resolution of their Lordships relating to railways they were bound to do, in what respect the rival lines were inferior and superior to each other. Had they done so, and obeyed the orders of the House, he believed there would have been some disagreement among them, but by taking the course that had been adopted the opposition was concentrated. He thought this case deserving of their Lordship's consideration. After 100,000*l.* had been spent by the parties, 30,000*l.* or 40,000*l.* of which had been spent in supporting Stephenson's line the Committee ought to have given a decided opinion; and although the money spent upon Stephenson's line might not give him any claim to the success of his Bill, it at least gave him a claim to have the opinion of the Committee on the merits of this line. They were told, that this act of the Committee was popular, but glad as he was to find the illustrious Duke who moved the amendment capable of being influenced by such considerations, he could not make up his mind to do what appeared to him to be wrong, because it might happen to be popular. He should therefore move that the Bill be recommitted.

His Royal Highness the Duke of *Cumberland* said, that after the personal attack which had been levelled against him by the noble Duke, he trusted he might be permitted to say a few words. He acknowledged that he had moved the amendment, but not in the manner which the noble Duke said. He denied that he had done so on account of the popularity he should derive from it, for if he thought that he could gain popularity by going to that window, when he believed that such a step would be attended by injustice, he would not stir an inch for that purpose. He had not communicated with any one person on the subject before he moved the amendment in Committee, and he should vote against the recommittal of the Bill; but he must say, that if every noble Lord were to be called forth in the manner in which he had been, after giving his whole attention and constant attendance to the subject before the Committee, very serious obstacles would be interposed to the proper performance of their Lordships' duties. He would only repeat, that in forming the opinion at which he had arrived he had been actuated by conscientious motives alone, and he trusted he should always continue to be so influenced.

The Duke of *Beaufort* observed, that although he had voted with the noble Duke (Richmond) in the Committee, he could not concur with him in charging the majority with unfairness. He himself had voted against the Report, because he thought Stephenson's line the best; and he had no doubt that the noble Lords who composed the majority voted for the Report because they were not satisfied with the evidence adduced in favour of any one of the competing lines. Indeed, the illustrious Duke expressly said, that his view in moving the amendment was not that one line was preferable to another, but that he was not satisfied that any one line was superior to another. He could not agree with the noble Duke in thinking that anything wrong or unparliamentary had been done by the Committee.

The Earl of *Falmouth* felt himself qualified to say that he had never entered a Committee who, as far as his observation went, meant to act more fairly. He did not see the slightest symptom of partiality either one way or the other.

Lord *Holland* asked where the Bill was, and whether it was in the possession of the House?

The Duke of *Buccleugh* could not remain quiet when he heard the noble Duke (Richmond) declare that Mr. Stephenson had been treated with unfairness, or at least with harshness, nor did he understand what the noble Duke meant by the unwarrantable liberties which the Committee had taken. Was it an unwarrantable liberty for the Committee to report one way or another? If every Committee which differed in opinion from the chairman were to be called on to explain why they differed, such a course would be followed by the greatest inconveniences.

The Duke of *Richmond*, when he used the words "unwarrantable liberties," meant the liberty which the Committee had taken in not obeying the orders of the House.

The Marquess of *Lansdowne* understood the noble Duke who had just sat down to have so expressed himself, and he must say, that looking at the orders of their Lordships' House, under which the Committee was appointed, it did not appear to him that the Committee had complied with the instructions they contained. His noble Friend (Lord Holland) had asked whether the Committee had reported or not. There seemed some doubt upon the point. He understood that the Committee had absolved themselves from their duties, and instead of making a special report and declaring their opinion in the terms of the sixth resolution, they had determined and reported that it was not expedient to proceed further with the Bill this Session. Upon these grounds he should vote for sending back the Bill to the same or to another Committee.

The Earl of *Westmoreland* said, that it was not his intention, after the discussion which had taken place, to enter at large into the merits of the question, but their Lordships' would recollect that they had given directions to the Committee to examine the parties who had come before them and to report upon the evidence. Instead of that, however, without entering upon the merits of the different lines, the Committee had come to no decision at all, but they had come to a decision that they did not choose to obey their Lordships' orders. He could not but concur with the noble Duke (Richmond) in thinking that the parties were placed by the Report of the Committee in a very grievous situation, since they had been allowed to spend 100,000*l.* without any information being given to them for it. If the Committee had done their duty, they would have told the parties that their opinion was unfavourable, and then they would not have been urged to risk another application. It was, he thought, the least thing they could have done after such a waste of Parliamentary labour, and such an expenditure of money, to let the parties know what course they were to pursue another year.

Lord *Holland* said, that the Committee had departed from the general practice of Committees, and from the instructions of the House. They had not reported whether the preamble of any of the Bills was proved, nor upon the evidence which had been laid before them.

The Marquess of *Salisbury* thought, that for most practical purposes the orders of the House had been complied with.

The Duke of *Richmond* in reply said, that the Committee were bound to report upon all the matters mentioned in the resolutions of the House, and he thought it not right that they should take on themselves to exercise a power which only belonged to their Lordships at large. If a special report had been made, then he should move that the Bill be recommitted; but if not, then that the Committee should resume their sittings. He could wish that another Committee might be appointed, but as he believed there was no precedent for such a course, and it would be dangerous to establish one, he should now move that the Committee do re-assemble for the purpose of reporting to the House the evidence, and their reasons in detail for which they came to the resolution in their report.

Their Lordships divided:— Contents 42; Not-contents 44: Majority 2.

List of the CONTENTS.

DUKES.
Richmond
Sutherland
Leinster
Argyll.
MARQUESSES.
Headford
Ormonde
Lansdowne
Westminister
Westmeath
Queensberry
Conyngham.
EARLS.
Minto
Glengall
Haddington
Scarborough
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Torrington
Falkland
St. Vincent
LORDS.
Foley
Seaford
Hatherton
Plunkett
Langdale
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Byron
Glenlyon
Barham
Wharncliffe
Strafford
Templemore
Saye and Sele
Lilford
Mostyn
Dinorben
BISHOP.
Bristol.

STAFFORD.—PREVENTION OF BRIBERY.] The Marquess of *Clanricarde* moved the second reading of the Stafford Borough Prevention of Bribery Bill. In doing so he should not detain their Lordships by reciting facts which were within their knowledge, and of which he conceived there could be but one opinion. Undoubtedly, if he could, it would not be a small and partial measure of this nature that he should desire to have passed, but one completely disfranchising the borough. No one could doubt that there had been the most flagrant bribery and corruption in the borough. This was a poor punishment for such an offence. Their Lordships, however, had decided otherwise and he now offered this Bill entirely out of respect to their Lordships; because if it went to the public, that when such a case as this was established, they were not disposed to put a stop to the practices disclosed in it—if they did this, it would give great room for those who were found inclined to attack their Lordships to declare that that House was not disposed to put an end to bribery and corruption. He did not say one word of what was his opinion on this subject; but if their Lordships allowed a case of this kind to pass without punishment, they would certainly show an extreme lenity for offenders of this class. It was known that their Lordships had held out against reform of Parliament; when this was known, would not, he asked, the natural conclusion out of doors be, that in all cases of reform such as this, the Peers did not desire a reform in the representation of the people? The Bill proposed to disfranchise the burgesses; at the same time, regulations were made, as many of them were householders, to enable them to register in that capacity before another election could take place. Of the 850 burgesses of Stafford, it was admitted that 700 were distinctly proved to have been bribed. This occurred in the elections of 1831, 1832, and 1835. He moved that the Bill be read a second time.

The Earl of *Devon* was not surprised that the noble Marquess had forborn to go into any details upon the question, because the evidence, when analysed, would by no means bear him out in some of the assertions which he had made. If that evidence had been accurately examined it would have been found that this measure was fraught with the greatest injustice to many of that class of persons who were at one sweep deprived of their franchise; whilst, on the other hand, it left altogether untouched many upon whom, according to the evidence taken at the bar, the punishment and indignation of the House ought justly to fall. It was the principle of justice, and the principle of common sense, to punish only those who were proved to be guilty; but this Bill went to a much greater extent. Was it, then, to be charged upon that House that they were the abettors of bribery and corruption if they hesitated to punish the ignorant man alone, who had taken the bribe, having positive evidence before them, and well knowing, that A and B were the parties who offered that bribe? Those were the grounds upon which he felt it was their duty not to agree to the second reading, but to move that the Bill be read a second time that day three months.

The Duke of *Wellington:* My Lords, after the observations which I made on the former Bill, some few nights ago, in opposition to going into Committee upon that Bill, it is necessary for me to address to your Lordships a few words with respect to the course which I mean to take regarding the Bill to-night. My Lords, this is a Bill which puts forward some very curious principles; and, first of all, after reciting bribery and corruption in the borough of Stafford, it states, not that those who are corrupt shall be disfranchised—that would be a fair principle to act on—but it says the burgesses and freemen shall be disfranchised. I conclude, my Lords, that by "burgesses and freemen" it means the burgesses and freemen under the charter of impropriation, and not those who have become burgesses under the Corporations Act. I apprehend that it alludes to burgesses and freemen under the old charter granted to the town. Now, my Lords, it does seem to me rather a strange circumstance that those persons should be disfranchised by name, there being, with regard to some of them, no proof of their having been guilty of any corruption whatever; and that the burgesses and freemen under the Corporations Act should not be included in this Bill, against many of whom there were clear proofs of bribery and corruption. But this Bill, my Lords, contains another very curious principle. When the burgesses under the Corporations Act, or even the freemen under the Corporations Act, are disfranchised, according to the provisions of this Bill, they may be admitted into the freedom of the corporation over again, and be corrupt again or not, as they please—but they may again be admitted by taking out their freedom under the law as it now stands. This is what the noble Marquess calls a cure for corruption. ["*No, no!*"] Well, then, a punishment for corruption. But, my Lords, in the evidence which has been given at your Lordships' bar, there are certain proofs against those who have been guilty of bribing the voters. Now, my Lords, there is not a line in the Bill against them—not a syllable in the Bill against them. They who hold their privilege of voting under Act of Parliament, whose right is confirmed by Act of Parliament, are disfranchised, though nothing is proved against them; those who are disfranchised are allowed again to become freemen; and, lastly, there are others of whom, though proved to be guilty of corruption by the evidence given at the bar of your Lordships' House, no notice whatever is taken. Then, my Lords, we are told that if we do not pass this Bill the public will be convinced that we do not desire to prevent bribery. Now, I beg to say that I am prepared—and I have already shown myself to be so—for I believe I myself proposed to a Committee of your Lordships a measure which tended to bring to justice all offenders of this nature; that measure was, however, thrown out in another place—but I repeat, my Lords, I shall be ready at any time to vote for any measure which may tend to the punishment of that species of corruption, after proof shall have been produced at the bar. I am ready now to vote for any measure which will punish those who are found to be guilty of corruption, and upon whom punishment would justly fall. But, my Lords, I have a very great disinclination to vote at this period of the Session for a Bill the object of which is to carry out such principles as those which I have just enumerated to your Lordships. It is impossible for the House to adopt such a sweeping measure—a measure which goes to disfranchise all the burgesses and freemen of Stafford, and which in the same clause gives to the same burgesses facilities for again becoming free, and affords opportunites for the practice of bribery and corruption a second time. Under these circumstances, my Lords, I shall certainly vote against the second reading of this Bill.

The Bishop of *Gloucester* wished to say a few words with reference to a misrepresentation that had appeared in the *Morning Chronicle* newspaper, respecting the votes of his right rev. brethren and himself when this Bill was before their Lordships on a former occasion. The writer in that paper asserted that the bench of Bishops voted against the measure, and that through their votes it was rejected; then in a strain of malignant invective he charged them with encouraging vice and profligacy, by granting impunity to persons guilty of corruption. Had the first assertion of that writer been proved—namely, that the votes of the bench of Bishops had effected the rejection of the Bill—he did not know that the circumstance could be considered as reflecting any discredit upon them, but it was not the fact. A considerable number of his right rev. brethren had attended on that evening because a Bill was expected to come on in which they were much interested; it did not come on, and only three out of the thirty remained. He was not amongst the three—he did not vote upon the Bill at all, for he had determined not to vote on it, not having heard the evidence. He confessed it appeared to him in the light of a judicial proceeding, and he thought, that in order to form a sound opinion on the subject, it was necessary to hear the evidence. What motives might have influenced others it was not for him to say, but those were the considerations which governed his mind, and he really thought it due to himself and the right rev. Friends near him to correct such a gross misrepresentation. As to the Bill, he looked on it as a one-sided measure, and not calculated to render that impartial justice which would be expected at the hands of their Lordships.

Lord *Wharncliffe* said, if the Bill of the noble Marquess proceeded upon a fair principle of justice he would have found it his duty to have disfranchised all those who had been guilty of taking bribes, whether they were burgesses, freemen, or 10*l.* householders.

The Marquess of *Clanricarde* replied. It was difficult to suit the taste of noble Lords opposite. When he had formerly brought in a sweeping measure to punish those who offered as well as those who received the bribe, he had been told, that if he brought in a Bill which would affect any particular class they might perhaps accede to it; though it was now argued in opposition to the Bill, that it punished only one class of offenders. If they went into Committee they might introduce a clause to spare those particular persons against whom there might be no positive proof of guilt.

Lord *Lyndhurst* merely wished to correct an observation which fell from the noble Marquess, imputing to noble Lords on that (the Opposition) side of the House a disposition favourable towards bribery. Now, it appeared upon the face of the evidence, that at the election in 1826 the bribers were two Whigs; in 1832 the bribers were Chetwynd, Gronow, and Blunt, three Whigs—no bribery from a Conservative; in 1831, Campbell (Sir John Campbell), I believe, said the noble Lord, he is a Whig. So that the bribery originated with their opponents, and the imputation of the noble Marquess was not sustained.

The Marquess of *Clanricarde* could assure the noble Lord, that he had never intended to renew any of those ridiculous distinctions and bickerings between Whig and Tory: everybody knew there had been Whig boroughmongers. He (the Marquess of Clanricarde) had not been one; but he wished he had had the good fortune, for they were very profitable. There could be no doubt that there were Whigs who bought boroughs, and Whigs who sold them; but, unfortunately, perhaps, for the country, there had been more Tory boroughmongers than Whigs.

Lord *Strafford* would support any measure that went to punish those who had been proved guilty.

The Marquess of *Salisbury* was inclined to think, that it would be better than proceeding by Bill to move an Address to his Majesty, begging him to instruct the Attorney-General to institute criminal proceedings against the offenders; but if they were to proceed by Bill, he would suggest to the noble Marquess, instead of pressing this measure forward to a Committee, to withdraw it, and introduce another more acceptable in its stead.

The *Lord Chancellor* said, that if they deprived any town of the elective franchise, such a proceeding must prove injurious to some innocent parties. It was quite clear that there had in this case been gross corruption, at the same time that it would be most unjust to disfranchise by name persons who had no opportunity of stating their defence in person or by counsel. He was favourable to the principle of the present Bill, and thought that in Committee it might be so modified as to prove acceptable to their Lordships, and just in its operation; he should therefore vote for the second reading.

Their Lordships divided on the amendment that the Bill be read a second time in three months:—Contents 38; Not-Contents 22:—Majority 16.

TITHE COMMUTATION (ENGLAND).] A Conference was held with the Commons, when the Commons stated their reasons for disagreeing to some of their Lordships' amendments to the Commutation of Tithes (England) Bill, and returned the Bill with their own amendments to.

CHARITABLE TRUSTEES.] The *Lord Chancellor,* in moving the second reading of the Charitable Trustees Bill, reminded their Lordships, that it was resolved last year to insert a clause in the Municipal Corporation Act to allow charitable trusts to remain in the hands of the existing trustees until the 1st of August in this year, unless Parliament should pass some other measure prescribing other regulations. That time was now past, and their Lordships were called upon by the exigency of the case, as well as by the petitions which had been laid upon the table of their Lordships' House, to provide some measure for the future, as well as for the better, administration of the charitable trusts. For that purpose the House of Commons had passed the Bill, the second reading of which he now moved their Lordships to agree to. The noble and learned Lord then proceeded to quote from the Report of the Commissioners appointed to inquire into charitable trusts, the cases of Exeter, Truro, Cambridge, Ipswich, and Winchester, in respect to the corporations of which the Commissioners had reported, that in some cases a considerable portion of the charitable funds placed in their trust had been devoted to purposes of bribery and corruption at elections, and in others malversation and waste had been practised to a great extent. The noble and learned Lord said, that in referring to those cases it was not his intention to point out to public censure any particular individuals belonging to those corporations, or to say which of them might or might not be guilty of the transaction stated, but to show generally that the Commissioners had made out a case which proved, that great misappropriation and mismanagement were chargeable upon some corporations in whom the charitable funds had been invested. The reasons why a similar Bill was not passed last Session were, he believed, first, the late period of the Session at which it was brought before the House, and, secondly, the great difficulty which was felt in providing a proper remedy for the evils which were acknowledged to exist. He regretted that the present Bill had not been brought before their Lordships at an earlier period of the Session, but he trusted, that as the subject was a most important one, they would not begrudge the time which they might be called upon to devote to it, in order to come to a conclusion as to the mode in which charitable funds should be hereafter administered. The Bill proposed plans which he thought likely to meet with the support of their Lordships. It would secure the election of individuals proper to be entrusted with the management of the funds in question; it would secure an investigation into the mode in which those funds were administered; and it provided for the publicity of the accounts—a sure safeguard against mismanagement. The new trustees were to be elected in a manner least likely to engender party feeling, and at the same time, in places where there were two parties, to meet the wishes of both. The council of each borough would first meet, and having ascertained and fixed the number of trustees, they would call upon the burgesses to elect them; but it was provided that each burgess should vote for only one-half of the number of trustees, thus giving both parties in the borough an equal chance. The trustees, not being a corporation, were to elect their own chairman, but in the event of their being so equally divided as not to agree in electing a chairman, the mayor was to be the chairman. The trustees were to be elected every three years. That was the outline of the Bill; the other parts of it related to minor regulations among the trustees, who were to appoint their own treasurer and secretary, and to make such arrangements as they might deem necessary to carry into effect the objects of the respective charities.

The Earl of *Falmouth* wished to take the earliest opportunity of replying to some observations which the noble and learned Lord had quoted from the Report of the Commissioners with respect to the corporation of Truro having been guilty of mismanaging the charitable funds committed to its care. He could not let it go forth to the public that Truro had been convicted of such conduct, without putting in his protest against such a statement. It was true that the Commissioners had made that statement in their Report; but in his opinion, and in the opinion of persons who were best acquainted with the corporation of Truro, there never was a more iniquitous Report. The corporation of Truro would have proved that at the bar of their Lordships' House, if they had not been prevented by a summary process, on which it would not become him to express an opinion. Truro had been convicted without a fair hearing, but he strenuously protested against that conviction; and he would say, before their Lordships and the country, that there never was a corporation more incapable of mismanagement of charitable funds than that of Truro; it was composed of men who were above suspicion, and although he was unwilling to make comparisons, yet with respect to property, education, and qualifications for good local government, there was no comparison between the late corporation and that which had been called into existence by the new law. It might be suspected, that he was connected with the corporation of Truro; he might have been if he had thought proper to adopt certain manœuvres, but since the passing of the Reform Bill he had had no connexion whatever with the corporation. He was, however, acquainted with the facts of the case, and he must protest against Truro being again pointed out as an instance of mismanagement of charitable funds.

The Duke of *Wellington* would acknowledge, that their Lordships were bound to find some means for the proper administration of charitable funds; but he wished to point out to the House, that the noble and learned Lord had adverted only to some of their past proceedings in reference to this subject. Their Lordships would remember, that in the course of last year, when this subject was under consideration, a noble and learned Lord (Lord Brougham), whose absence from that House he sincerely regretted, more particularly because if he had been in his place he believed they would have been spared the pain of the present discussion, but that noble and learned Lord moved the clause in the Municipal Corporation Bill, now in existence as an Act of Parliament, under which the persons who now administer those charitable trusts referred to were to continue in power untill the 1st of August in this year. The object of that provision was to give the noble and learned Lord time to consider of a measure to be proposed to this House for the future regulation of those trusts. That was the professed object of the noble Lord, and he (the Duke of Wellington) must confess, that he agreed in that proposal, because he felt, that there was no man in this country who had given so much of his attention to that subject, and therefore so capable, as that noble and learned Lord, or at all events, more capable, of producing to that House a proper measure for the administration of those trusts hereafter. Their Lordships had not had the advantage of the presence of that noble and learned Lord this year, and for that reason, as they had, in the course of the present Session, upon the question of certain amendments upon the Corporation Reform Bill being discussed, inserted a clause to continue the present trustees for another year, up to the end of the next Session of Parliament, in order to give time to that noble and learned Lord to come into his place in that House, and to propose a measure for the future administration of these trusts; or, if the noble and learned Lord should, unfortunately, not be able to attend in his place in that House, that some other noble Lord might come forward and place such a proposition before their Lordships as would be worthy of their adoption. Now that was a part of the question to which the noble and learned Lord, in moving the second reading of the Bill, had omitted to advert, but which he ought to have borne in mind, because, in point of fact, the House now stood precisely in the same position in which it did last Session, because provision had been made for the temporary administration of charitable trusts—that was to say, up to the 1st of August next year. No step had been taken which could prevent any measure which the noble and learned Lord, whose absence they all lamented, might think proper to propose; the question was left fairly open. As to the measure which the noble and learned Lord had now recommended to the House, the object of which professed to be to appoint trustees for the better management of those charities which had been left by beneficent individuals to their fellow-citizens, and which he believed had been generally well managed, although it appeared that some persons had been accused of mismanagement, but of which there was not much proof, he did not expect they would be much better administered hereafter. The mode of electing trustees proposed was similar to that in the case of assessors under the Municipal Corporation Reform Act; but there was a wide difference in the nature of the offices; the duties comprised not only a regular mode of keeping and auditing the accounts, but the administration of the patronage of those charities; and he was not disposed to give that administration to either party in these corporations. He regretted exceedingly that corporations had been formed on party principles at all; but he objected still more to those parties being invested with a power over the patronage of these charities, and he believed that the noble and learned Lord, to whom he had so frequently alluded, had that object principally in view, and wished to prevent the patronage of those charities from being at the disposal of parties in corporations. With these views, he would recommend the noble and learned Lord to adhere to the rule which had been adopted by the House already, to secure which he should move, that the Bill be read a second time that day three months.

Viscount *Melbourne* begged to submit to their Lordships that the cause stated by the noble Duke did not afford sufficient ground to warrant their Lordships in delaying the progress of the present measure. The noble Duke had stated, with great accuracy, that his noble and learned Friend (Lord Brougham), whose absence they all regretted and deplored, had intended to bring in a Bill for the general supervision of all charitable trusts, and therefore it was that the clause to which the noble Duke had referred had been introduced. It was also perfectly true that when the Bill for the amendment of the Municipal Corporations Act was in Committee, a clause was introduced containing the arrangement as to the administration of these funds, until the same period in next year, as was enacted in the Municipal Corporations Act of last year. But he begged to call the attention of the noble Duke and the noble and learned Lord (Lord Lyndhurst) to the fact that he (Lord Melbourne) took an objection altogether to the introduction of the clause, because, as he had then stated, its introduction was likely to interfere with the course of legislation; he was, however, told that the clause only provided for things remaining as they were until Parliament should otherwise direct. He, therefore, contended that that circumstance ought not to be any bar to their considering any measure that might come up from the other House of Parliament in the course of the present Session. He thought, therefore, that although the clause in question had been adopted, it ought not to be pleaded in bar of going to the second reading of the Bill before their Lordships. He begged also to state, that the fact of his noble and learned Friend's having intended to introduce the Bill to which the noble Duke had referred, ought to be no bar to their Lordships proceeding with the present mesaure, because the Bill so intended to be introduced by his noble and learned Friend, was to be a general measure applicable to all charitable trusts, and for the purpose of affording a more easy remedy for the abuse of these trusts than the courts of law of the country at present supply. It never was the intention of his noble and learned Friend to supersede all local administration of these charities, because it was absolutely necessary that there should be some local power to whom the authority of administering these charities should be confided, in the places where they exist. It was an argument in very common use in that House, that the lateness of the period of the Session ought to induce their Lordships to pause in passing Bills. Now that was a very proper argument to use, if the Bill to which it referred was of a complicated nature, and required much consideration; but if it was a short Bill, distinct, clear, and simple in its enactments, then that was only a formal mode of objection, and had nothing real or substantial in it. He would not enter into the subject as to whether these Corporations had abused the charitable trusts or not; but that they had used them for political purposes was a ground of charge against many of them, and perhaps, in some instances, not without good reason. There must be a local control of charitable trusts, and where could it be better placed than in the hands of the people of the town? and that was what was proposed to be carried into effect by the present Bill. If any objections existed as to the details of the measure, they might be considered in Committee; but as it was an admitted fact that these funds were placed in improper hands, would it not be folly not to remove them into others? Would it be justifiable to leave them where they now were, if a remedy could be found? If, therefore, the present Bill would do that, and suit the circumstances which were to be provided for, surely it ought to pass. It was highly necessary for the due administration of justice, in the first place, that such should be the case; it was also prudentially necessary in the second because, if the proper administration of these trusts were not provided for, they would prove the source of great evils, rather than of benefit, to the places to which they belonged. It was also imperatively necessary that they should be administered without a view to party interests, or to party politics. He thought the present Bill well calculated to effect these objects; and he did not think there was anything in the arguments of the noble Duke to induce their Lordships to refuse to go on with the measure.

Lord *Lyndhurst* said, true it was, it was a very short Bill; yet the subject was a most difficult one to deal with; indeed, as much so as any that could be proposed to Parliament. The Bill was introduced into the House of Commons on the 7th of June; it was much discussed there, divisions took place upon it, and it did not come up to their Lordships' House until the 29th of July, and it was not until that very morning that the prints of the Bill were in circulation. Under such circumstances it was, that their Lordships were now called upon to discuss the merits of this question. Now what was it which passed last Session on this subject? His noble and learned Friend (Lord Brougham) objected as strongly as any individual could do against a principle which was contained in the original Bill—namely, that the election of the trustees should be vested in the town-council. He proposed to strike out that clause, that proposition was adopted, and the clause to which the noble Duke had referred was introduced in its stead. The measure intended to be introduced by his noble and learned Friend (Lord Brougham) did not relate to the charitable trusts, of Corporations alone, but to all the charities in the kingdom, and for the framing of such a measure his noble and learned Friend was, of all men in England, the most competent. In consequence of the absence of his noble and learned Friend the clause extending the period to the 1st of August next was adopted in the Municipal Corporations Act Amendment Bill, in order to afford his noble and learned Friend the opportunity of redeeming the pledge he had solemnly given to Parliament. If their Lordships did not allow him to have the opportunity of redeeming that pledge they would be acting inconsistently with the view they took last Session. The objection to the clause in the Bill of last year was, that the trustees were to be elected by the town-council, who were party men. How was this objection met by the present Bill? Why it increased, because it placed the election in the hands of the burgesses at large. Would they not be party men, and would they not administer these trusts on party principles? But then he knew it would be said, that, in order to prevent partiality, no person could vote for more than half the number of trustees to be elected. The result of this would be, that there might be an equal number of each party, and the most bitter conflicts would take place between them. Was there ever a principle so absurd? The charitable funds were to be administered by two parties, who were equally divided as regarded the questions that were to come before them for decision. But, then, there was a device framed; and these devices, he observed, were always creeping in to get rid of an obvious difficulty—the chairman of the trustees was to have the casting vote. If the trustees did not elect a chairman, then the mayor was to be chairman. He would belong to the Ultra-liberal party; and, considering the parties to be equally divided, the mayor would then turn the balance in favour of his own party. To this principle he had the strongest possible objection, and he thought it insurmountable. Be it remembered also that a great portion of these charitable trusts belonged to members of the Established Church; but they would be administered by Disssenters, seeing that the election was to be vested in the burgesses at large. He begged it to be understood that he cast no reflection on that body. He knew among the Dissenters from the doctrines of the Church of England there were to be found men of great piety, of learning, and of most exemplary character; but he did not choose to accede to the proposition of appointing Dissenters to administer the funds belonging to the members of the Established Church. He knew he should be told that having admitted Dissenters into Corporations by the repeal of the Test and Corporation Acts, they ought to have this power. But that was a doctrine to which he could not accede. Upon these grounds, shortly stated, it was, that he opposed the second reading of the Bill, which he considered fraught with mischief and inconvenience. Now what was it they were to expect from the operation of this Bill? By the Municipal Reform Act, Louth School was exempted from its operation; but under this Bill it would come under the Corporation. He called upon their Lordships to look at one of the petitions which had been presented from Louth. The petitioners did not say, that that school was not well managed; but they said it was improper that it should be a grammar school, and that it ought to be turned into a commercial academy. Was not this a touchstone to show what the intentions of the provisions of the Bill were, and did it not show that it was intended to give to Dissenters the control over funds which were intended only for the benefit of members of the Established Church? Now, he, for one, would never consent to such a proposition. He, therefore, concurred in the motion of the noble Duke, in order to give his noble and learned Friend (Lord Brougham) an opportunity of redeeming his pledge, not only as regarded the charitable trusts of corporate towns, but of every other town throughout the kingdom.

The *Lord Chancellor* said, the question was not whether their Lordships agreed to all the details, but whether the principle of the measure was one which they would reject. With regard to the case of Louth School, to which his noble and learned Friend had referred, that had been not only an educational charity, but a municipal charity also, but by the Municipal Reform Act, the municipal portion was taken away from under its former trustees, and the educational portion continued in their hands. The House of Commons had not yet finally decided upon the rejection of, or the acquiescence in, the Amendments made by their Lordships in the Municipal Corporations Act Amendment Bill. He begged their Lordships to consider what would be the state of these charitable funds, and of the persons whose existence depended upon their application, if that Bill should be lost. The consequence would be, that every borough which had any charitable funds to administer would be under the necessity of applying to the Court of Chancery. He hoped their Lordships would enter into the consideration of this measure, particularly as it would not interfere with any general measure which might be introduced.

The Marquess of *Lansdowne* said, that when the noble and learned Lord stated, that this Bill vested the rights and the patronage of the Church of England in Dissenters, the real objection which the noble and learned Lord entertained, although he did not choose to state it in those words, was to the majority of the burgesses and inhabitants in the various towns. The noble and learned Lord objected to their having the election of the persons by whom the charities instituted for their benefit should be administered.

Lord *Lyndhurst* said, the noble Marquess had altogether mistaken his argument. The case which he (Lord Lyndhurst) had put, with respect to the interference of Dissenters, applied not to charities, as the noble Marquess seemed to suppose, intended for the general benefit of a town, but specially dedicated to purposes connected with the Church of England.

Lord *Ellenborough* regretted, that the effect of rejecting this Bill must be to continue for another year the administration of charitable property as it now stood; but, whatever inconveniences might arise from such a state of things, he thought it would, nevertheless, be preferable to passing a measure such as this, including, as it did, many provisions to which he had the strongest possible objection. For any delay which had occurred in legislating upon this subject, his Majesty's Government were alone to be held responsible.

The House divided on the original question:—Contents 22; Not-Contents 39: Majority 17.

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Bill put off for three months.

ROMAN CATHOLIC MARRIAGES.] The Marquess of Clanricarde moved the second reading of this Bill.

The Archbishop of *Armagh* admitted that the present state of the law with respect to Roman Catholic marriages required amendment; but he had great objection to several provisions in this Bill. In his opinion it would tend very much to encourage clandestine marriages, and for that reason he should move that it be read a second time that day three months.

Lord Plunkett supported the Bill.

The Duke of *Wellington* was surprised that the noble Marquess or the noble and learned Lord had not brought forward a general measure for the benefit of Ireland, by giving publicity to marriages, which should be applicable to all Ireland. He was quite sure that there was no one on that side of the House who would not hail such a measure with infinite satisfaction, and if the noble Lord or the noble Marquess would bring forward such a measure in the next Session of Parliament, he would give it his best consideration, and his support in carrying it into execution. He objected to this measure because it referred to only part of the subject, and, therefore, he should vote for the amendment of the most rev. Prelate.

Their Lordships divided on the original motion:—Contents 19; Not-Contents 39: Majority 20.

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Bill put off for three months.

ESTABLISHED CHURCH.] Report on the Established Church Bill brought up.

The Archbishop of *Canterbury* moved as an amendment to the clause requiring the Welch Bishops to possess a knowledge of the Welch language, to omit the words which would make that qualification necessary. The duty of a Bishop was not to act as the shepherd of a flock, but as the superintendent of the pastors, and as all the Welch clergymen understood the English language, and the proposed restriction would unnecessarily limit the exercise of the prerogative, he should move that the words be omitted.

Amendment agreed to. Report received.

MARRIAGES.] Viscount Melbourne moved the third reading of the Marriages Bill.

The Bishop of *Gloucester* had called the attention of their Lordships a few evenings back to the case of a refusal of a certificate or licence by the superintendent-registrar. He now moved a clause giving an appeal to the registrar-general.

Motion agreed to.

Lord *Plunkett* wished to call their Lordships' attention to the 43rd Clause. It provided, that if any person, knowingly or wilfully, after the first day of March next, were married in any place other than a church or chapel, or such office as pointed out by the Act, or without due notice to the superintendent-registrar, where such notice was necessary, or without a notice of certificate duly issued, or without a licence, or in the absence of the registrar or superintendent-registrar, where his presence was necessary, such marriage should be null and void. Here were no less than five provisions, any one of which would annul the marriage, and leave the issue to all the consequences of such a misfortune. He proposed, therefore, to limit at least the time within which proceedings were to be taken to annul such marriage to one year from its solemnisation—a provision which would be in accordance with the 9th George 2nd.

Lord *Ellenborough* thought the amendment of the noble and learned Lord was open to great objections. It would raise up again voidable marriages, to which their Lordships had expressed a strong repugnance, and last year had passed a Bill whereby such marriages were declared for the future void.

Amendment negatived. Bill read a third time.

On the question that the Bill do pass,

The Earl of *Mansfield* said, that not

having been present at the second reading of this Bill, he had not had an opportunity of stating his opinion of the measure, but he could not help expressing his wish that it had received fuller consideration than it had even during the several nights it had been under discussion. However, the Bill had been assented to by so great a majority of their Lordships, that any expectation that he might have entertained that they might have been induced to take a different view of the measure would probably have been disappointed. He could certainly have very much wished to have addressed them upon the question, and to have pointed out the defects of the Bill, but it would be unwarrantable and unpardonable in him to trespass upon their Lordships' indulgence, even if they were disposed to extend it to him, by stating in detail his objections now. He should, therefore, satisfy his sense of duty by saying "not content" to the passing of the Bill, and in doing so he must express his apprehension, that a full consideration of the measure would show, that its effects and consequences would be different from those which their Lordships had anticipated, and which he feared they would have reason to lament.

Bill passed.

HOUSE OF COMMONS,

Thursday, August 4, 1836.

Minutes.] Bills. Read a third time:—Custom Duties; Court of Chancery (Ireland).—Read a second time.—Militia Ballot (suspension).

The House met at twelve o'clock to renew the adjourned discussion on

The Troutbeck Case.] Mr. Warburton moved the Order of the Day.

The *Attorney-General,* showed cause at great length, against the rule which his hon. Friend, the Member for Bridport, had obtained for granting a new trial in this case. He used these words on the present occasion in no metaphorical sense, for the fact was, that it was attempted in this instance to turn that House into a court of justice; he (the Attorney-General) rather doubted whether it would not be a court of injustice, if it took upon itself to adjudicate such matters. The hon. and learned Gentleman entered into a history of the case. He concluded by saying, that there was no precedent whatever for the motion of the hon. Member for Bridport, and he hoped the House would not, by assenting to it, establish the dangerous precedent—a precedent that would lead to the most mischievous consequences—of constituting that House as a court of appeal from the decisions of the courts of justice.

Mr. *Bagshaw* hoped, the hon. Member for Bridport would withdraw his motion. He had seen the papers and pedigree of one petitioner, Charles Troutbeck, and he was quite sure that he would be able to establish his claim in the courts of law.

The question was negatived.

Reform of the Lords.] Mr. *Hume* presented a petition from a political union in Glasgow, praying that the House might make such a reform in the House of Peers as might make them responsible. He fully concurred in the prayer of the petition, that such a reform as would subject the other House to responsibility ought to be adopted.

Mr. *Shaw* observed, that a petition calling on that House to effect a reform of the Lords was irregular, as it called upon the House to take upon itself all the functions of the three branches of the Legislature.

Mr. *Hume* denied, that the words of the petition could be fairly said to bear the construction which the right hon. and learned Gentleman had put upon them. The prayer of the petitioners was, that the House would take such measures as would make the Lords responsible.

Mr. *Shaw* said, they prayed that that House might do so; now, that implied that the House itself should do so.

Mr. *Hume* contended, that the words meant only that the House should originate such measures as would effect an organic change in the House of Peers, and make them responsible to the country, and he believed that unless some such change was made it would be impossible to go on.

Lord *John Russell* thought it would not be fair to the petitioners to infer that they prayed that the reform of the Peers should be made by the House of Commons only.

Mr. *Shaw* said, it was not probable that the House of Lords would receive such a petition, if sent to them, praying the same thing with respect to the House of Commons.

Petition laid on the table.

South Warwickshire Election.] Mr. *Mark Philips* wished to set himself right respecting a statement he had made on a preceding day, respecting the conduct of the curate of Long Hitchindean in connection with the last election for South Warwickshire. That statement had been denied by an hon. Baronet (Sir E. Wilmot), and still more emphatically by the hon. Member for North Durham (Mr. A. Trevor,) but he, (Mr. M. Philips) had since made the necessary inquiries, and he found, by correspondence with the parties, that what he had asserted was correct. The under-sheriff having heard that the curate of Long Hitchindean had been active in ordering the preparation of bludgeons, as he apprehended, to be employed for the breach of the peace at the election for South Warwickshire, had waited upon the reverend gentleman, and inquired of him if such was the fact? The curate gave it a distinct denial. The under-sheriff afterwards called upon the parish clerk, and in his possession saw a number of bludgeons. Asking by whose order they had been prepared, he admitted the instrumentality of the curate. At this time the curate happened to be coming by, and being again questioned he admitted that he had some knowledge of the bludgeons, but added that he meant them to be used as staves to escort Mr. Shirley's voters to the poll. The under-sheriff took possession of them and carried them away, as the clergyman, not being a magistrate, could have no power to order the manufacture of staves. These facts were detailed in a letter from the under-sheriff, and he, (Mr. M. Philips) believed that they had been stated on the hustings, although not in his hearing, so great was the confusion. Whether the bludgeons came within the definition of a stave in Johnson's Dictionary he did not know, but that they had been prepared was indisputable, notwithstanding the denial by the two hon. Members. As he had said, his (Mr. M. Philips) only object was to set himself right, and to show that he had not been guilty of any misrepresentation.

Sir *Eardley Wilmot* hoped the House would do him the justice to believe that he would not make any statement of the correctness of which he was not fully convinced, and he fully acquitted the hon. Member opposite of stating any thing which he did not believe to be well founded. In fact they both spoke on this matter from the information of others, and not from their own knowledge. The only question between them now was, whether those staves, as they were called, could be considered bludgeons. He had, since the subject had been mentioned, been down to the Warwickshire assizes, and he was informed on authority which he had no reason to doubt, that an application had been made to some friendly society for the use of their wands, for the procession of Mr. Shirley's friends to the hustings, and they were refused. An order was then given to a carpenter to make some, and to cut down some young ash-trees for that purpose. He had seen some of them. They were seven feet long, and certainly, if they were intended to be used in the state in which he saw them, they could easily be converted into offensive weapons; but there were amongst them three or four wands not as thick as his thumb, and if these were intended as patterns of the size to which the others were to be reduced, they were not calculated to do any harm.

Subject dropped.

Post-Office Commissioners' Bill.] The Chancellor of the Exchequer moved that the Report on this Bill be brought up.

Colonel *Sibthorp* had such strong objections to this Bill altogether, and particularly to the 5th Clause, which permitted the chief Commissioner to sit in that House, that he could not allow the Bill to pass through this stage without taking the sense of the House upon it.

The House divided, Ayes 63:—Noes 10: Majority 53.

List of the Ayes.

Adam, Sir C.
Baines, Edward
Baldwin, Dr.
Barclay, D.
Baring, F. T.
Bernal, Ralph
Bewes, T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brabazon, Sir W.
Brotherton, J.
Buckingham, J. S.
Butler, hon. P.
Campbell, Sir J.
Chalmers, P.
Chetwynd, Captain
Cockerell, Sir C.
Divett, E.
Duncombe, T.
Ewart, W.
Fergusson, rt. hn. C.
Fitzroy, Lord C.
Gordon, R.
Hay, Sir A. L.
Heathcoat, J.
Hector, C. J.
Hindley, C.
Hodgson, J.
Hoy, James Barlow
Hume, J.
Leader, J. T.
Lennox, Lord A.
Lushington, Dr.
Mangles, J.
Morpeth, Viscount
Morrison, J.
O'Brien, C.
O'Ferrall, R. M.
Parker, J.
Philips, M.
Potter, R.
Price, Sir Robert, bt.
Pryme, G.
Rice, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Rundle, J.

Russell, Lord J.
Seale, Colonel
Thomson, rt. hon. C. P.
Thompson, Colonel
Thornley, T.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Wallace, R.
Warburton, H.
Whalley, Sir S.
Williams, W. A.
Wood, C.
Wood, Alderman
Young, G. F.

TELLERS.
Stanley, E. J.
Stewart, R.

List of the NOES.

Charlton, E. L.
Forbes, W.
Gladstone, W. E.
Goulburn, rt. hon. H.
Graham, Sir J.
Law, hon. C. E.
Lincoln, Earl of
Maclean, D.
Manners, Lord C. S.
Palmer, Geo.
Perceval, Colonel

TELLERS.
Sibthorp, Colonel
Trevor, hon. A.

Report received. Bill to be read a third time.

REGISTRATION OF VOTERS.] Lord *John Russell*, in moving that the Report on this Bill be received, said, that with respect to the subject of the appointment of the Revising Barristers under this Bill, he had consulted the Lord Chancellor, who had suggested to him the names of a certain number of barristers fully qualified for the office. Those names he (Lord John Russell) had given to the Attorney-General, and desired him to consult the hon. and learned Members for Huntingdon and Exeter (Sir F. Pollock and Sir William Follett) on the subject. Those two hon. and learned Gentlemen had considered the subject, and had proposed that a certain number of their suggestions should be placed on a list, amounting to not half, but in the proportion of three to eight, or rather of four to ten. That suggestion had been adopted, and another gentleman had likewise been nominated by the Lord Chancellor, whose politics were supposed to incline to the opinions of hon. Members opposite. The names they proposed to insert were the following:—They proposed the right hon. Thomas Erskine to be chief of this court, receiving under the Bill the same salary as the other Revising Barristers should receive. He had, therefore, to propose the following gentlemen: — The right hon. Thomas Erskine, chief Revising Barrister of England and Wales; and John Farquhar Frazer, Francis Newman Rogers, George Long, Frederick Robinson, Edward Harvey Maltby, William Mackworth Praed, Martin West, Woronzow Greig, Charles Rennell, and William John Alexander, Esqrs., to be the other Revising Barristers of England and Wales.

Sir *James Graham* had no objection to these names being inserted in the Bill, provided it should be considered that they were inserted without prejudice to any future objections that might be made to them. Let the clause be printed, and the discussion might be taken on the next stage of the Bill.

Mr. *Maclean* suggested to the noble Lord (Russell) the propriety of re-considering the appointment of Mr. Erskine. That gentleman was at present the Chief Judge of Appeal in Bankruptcy, and if the business of the Insolvent Courts were, as was proposed, to be thrown into the Court of Appeal, it would greatly interfere with Mr. Erskine's discharge of his duties as the chief of the court of the Revising Barristers. He entertained, also, very strong objections to this Bill on another and more important ground—namely, because it placed the appointment of the Revising Barristers entirely in the hands of the Ministers of the Crown. True, the Minister for the time being might consult other persons more competent to make a fair and impartial selection, but this was optional on his part, and virtually these appointments were entirely in the hands of the Government. He suggested that the Bill ought to be postponed till next Session in order that an opportunity might be afforded for its full consideration.

Lord *John Russell* begged to remind the hon. and learned Gentleman that he had adopted the present scheme at the suggestion of the right hon. Baronet, the Member for Tamworth. If the House was of opinion that he had not acted fairly and impartially in the selection of the names of the Revising Barristers, undoubtedly they would be of opinion that the consideration of the Bill ought to be postponed; but had he thought that such a proposition would be made, he should have spared himself a very disagreeable task. With respect to the suggestion of the right hon. Baronet, the Member for Cumberland, he (Lord John Russell) thought that the third reading of the Bill would afford a sufficient opportunity for the discussion of the principle of the clause.

The *Attorney-General* had felt, in common with many other hon. Members, that it was unconstitutional to vest the appointment of these barristers in the Crown, and it was to obviate that objection that it was proposed that the names of the barristers should be inserted in the Bill. The hon.

and learned Members for Huntingdon and Exeter, had agreed to the selection which had been made, and he was therefore surprised that it was opposed.

Sir *Thomas Fremantle* thought, that if to the present Revising Barristers there were added three to sit as a Court of Appeal in London, the present system would be much better than that now proposed by his Majesty's Government. Under the present system, if they had a bad Revising Barrister one year, they had the chance of a good one the next, and thus the electors had a guarantee against any permanent injury being inflicted upon them. Under the system proposed by his Majesty's Governter, if they once got a bad Revising Barrister, they were burthened with him for life. He gave notice that, if this Bill were not very much amended, he should be compelled by a sense of duty to divide the House against it on the third reading.

Mr. *Hume* said, that the opposition which the other side of the House had made to this clause, which the noble Lord had framed upon their suggestion, ought to teach him not to be too goodnatured nor to give way too much to his political opponents. He objected, however, to giving 1,000*l.* a-year as additional salary to a gentleman who had received 3,000*l.* a-year for some years for filling a judicial office which was almost a sinecure.

Lord *Granville Somerset* wished the postponement of the Bill to another Session, as it was too important to be hastily passed at this late period of the Session.

The *Attorney-General* defended the grant of an additional 1,000*l.* a year to the right hon. T. Erskine, as chief of this court, as he could not be expected to take upon himself the additional duties of chief of the court of revision without an *honorarium quiddam.*

Sir *James Graham* objected to the Bill generally, and regretted that Mr. Erskine had thought it right to demand an additional salary for his duties in this court. It was, however, a matter of feeling with Mr. Erskine whether he would receive it or not. But if Mr. Erskine demanded it, he did not see how the Government could refuse to grant it.

The names were agreed to. The report with various amendments was agreed to.

SPIRIT LICENCES.] The House went into Committee on the Spirit Licences (Excise) Bill.

The *Chancellor of the Exchequer* brought up a clause for the purpose of suspending the operation of a clause which had been introduced by a right hon. Gentleman (Mr. Shaw) on the third reading of the Spirit Licences (Ireland) Bill, prohibiting grocers from retailing spirits in Ireland. He gave no opinion as to the right or wrong of the clause, he only wished for Parliament to have an opportunity of reconsidering the question.

The clause agreed to, and the Bill passed through the Committee.

GOLD AND SILVER PLATE (SCOTLAND).] On the motion that the Gold and Silver Plate (Scotland) Bill be read a third time,

Mr. *Hume* protested against the Bill as contrary to the principle of free-trade. It was hard that silversmiths from Inverness and Aberdeen and other places should be compelled to send their plate to Edinburgh or Glasgow to be stamped.

The *Chancellor of the Exchequer* said, this was an exception to the principle to which he was as much attached as his hon. Friend. The public had no means of knowing what they purchased, and had a right to protection. He had not understood that the system in England was objected to.

Dr. *Bowring* said, that the matter should be left to buyer and seller. Buyers of plate should be allowed to purchase it of any fineness. Other countries had emancipated themselves from this absurd system. Legislative interference with manufactures and commerce tended only to clog and embarrass what it was meant to aid.

Mr. *Chisholm* would not oppose the principle of the Bill, but suggested a proviso that nothing in it should prevent the establishment of an assay-office in any town not within a certain distance of Edinburgh and Glasgow.

The *Attorney-General* defended the necessity of the measure, which, he said, was called for by the trade as well as by the consumers in Scotland.

The House divided:—Ayes 66; Noes 8; Majority 58.

List of the AYES.

Adam, Sir C.
Bagshaw, J.
Baldwin, Dr.
Baring, F. T.
Bernal, R.
Bish, T.
Blamire, W.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Brownrigg, J. S.
Chalmers, P.
Chetwynd, Captain
Clive, Viscount
Clive, hon. R. H.
Collier, J.
Crawford, W. S.
Dalmeny, Lord

Donkin, Sir R.
Dunbar, G.
Duncombe, T.
Etwall, R.
Ferguson R.
Forbes, W.
Freshfield, J. W.
Grey, Sir G.
Hamilton, G. A.
Hawkins, J. H.
Hay, Sir A. L.
Heathcoat, J.
Hobhouse, right hon. Sir J.
Howick, Viscount
Knightley, Sir C.
Labouchere, rt. hn. H.
Lennox, Lord A.
Lushington, Dr.
Lushington, C.
Mackinnon, W. A.
M'Namara, Major
Mahon, Viscount
Maule, hon. F.
Maunsell, T. P.
Morpeth, Viscount
O'Brien, C.
Palmerston, Viscount
Price, Sir R.
Pryme, G,
Rice, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord John
Shaw, right hon. F.
Smith, Robert V.
Steuart, R.
Talbot, J. H.
Tancred, H. W.
Thomson, rt. hn C. P.
Thornley, T.
Tooke, W.
Vesey, hon. T.
Wakley, T.
Walker, C. A.
Westenra, hon. J. C.
Williams, W. A.
Wood, Alderman
Yorke, E. T.
Young, G. F.

TELLERS.
Gordon, R.
Campbell, Sir J.

List of the NOES.

Aglionby, H. A.
Buckingham, J. S.
Elphinstone, H.
Hector, C. J.
Hindley, C.
Hutt, W.
Leader, J. T.
Thompson, Colonel

TELLERS.
Hume, J.
Bowring, Dr.

The Bill read a third time and passed

ECCLESIASTICAL APPOINTMENTS SUSPENSION.] The House went into a Committee on the Ecclesiastical Appointment Suspension Bill.

Mr. *Hutt* moved a proviso on the second Clause to the effect that all future appointments to the ecclesiastical dignities and preferments referred to in the recommendations of the commissioners should be made subject to such regulations as might be hereafter enacted respecting the same.

Agreed to.

Dr. *Lushington* called the attention of the Committee to the condition of those gentlemen who had filled the office of chaplain of the House in whose behalf the House had addressed the Crown, recommending them for some ecclesiastical preferment, and to which addresses favourable answers had been given. There were now three gentlemen in that situation. By the decision to which the House had come against sinecure church livings those gentlemen would be deprived of the reward which had first been held out to them, and on which they had every reason to calculate. If this Bill passed, it would have a retrospective effect on those gentlemen, fo it would have the effect of rescinding the addresses that had been made on their behalf, and on which favourable answers had been returned. This he thought most unfair to gentlemen who had never received any compensation whatever for their attendance on the House. Under these circumstances, he would move as a proviso to the clause, that nothing in this Act contained should prevent his Majesty from bestowing any church dignity or preferment on those chaplains of the House on whose behalf addresses had been presented, recommending them for such preferment, and to which favourable answers had been returned.

Lord *J. Russell* was understood to say, that though there might be some hardship in the case of those gentlemen who had served as chaplains to the House, he did not think it was such as should justify the House in departing from the rule it had adopted with respect to sinecure church preferments. At the same time, the case of those gentlemen might be left to the favourable consideration of the House.

Mr. *Hume* opposed the proviso. He thought it would be acting against the principle on which these reforms proceeded, if they excepted these gentlemen from the operation of the Bill.

Mr. *A. Trevor* supported the proviso, and protested against the injustice of the Bill having a retrospective effect.

The *Chancellor of the Exchequer* thought the case a hard one. These gentlemen had obtained neither pecuniary compensation nor clerical preferment. Justice required that their services should be compensated, and he thought that the same remuneration should be given to each of them as was afforded to the chaplain of that House.

Mr. *Robinson* said, that justice required they should receive the same compensation as former chaplains. He decidedly concurred in the motion of the hon. Member.

The Committee divided on Dr. Lushington's motion. Ayes 21; Noes 52: Majority 31.

Proviso negatived, the clause was agreed to. Bill went through the Committee, and the House resumed.

The Report to be received.

GREEK LOAN.] Viscount Palmerston moved the Order of the Day for the House to resolve itself into a Committee of the whole House on the Greek Loan Bill.

Lord *Mahon* would take that opportunity of stating that although he entertained some objections to this Bill, yet the statement of the noble Lord (Palmerston) on a former evening was so clear and satisfactory, that he (Lord Mahon) did not intend to offer any opposition to the further progress of the Bill.

On the question that the Speaker leave the chair,

Mr. *Pryme* rose, in pursuance of the notice he had given, to move, as an amendment to the motion for the Speaker leaving the chair, that an humble address be presented to his Majesty, praying him to use his influence with the Greek government to induce it to acknowledge the two loans contracted by the Greek government previously to the accession of King Otho.

Viscount *Palmerston* could assure the hon. and learned Member for Cambridge, the his Majesty's Government were not indifferent to the situation in which the parties who had contracted these loans were placed, and they had already made representations to the Greek government on the subject. But he felt that it was necessary to draw a distinction between loans contracted under the sanction of the Government and those that were contracted by individuals on their own responsibility. If the assistance sought for by the hon. and learned Member were given in this instance, it could not be refused in the many other instances of a like nature. On these grounds he felt bound to oppose the motion, and he trusted that the hon. and learned Member would not press it to a division, as, if carried, it would be attended with great inconvenience.

Mr. *Pryme*, after what had fallen from the noble Lord, felt himself bound to withdraw his motion.

The Bill went through Committee and the House resumed.

Report to be received.

House counted out.

* * *

HOUSE OF LORDS,

Friday, August 5, 1836.

Minutes.] Bills. Read a third time:—Bills of Exchange Copyright (Ireland).—Read a second time:—St. Clement Oxford Marriages Validity; Turnpike Roads' Act Amendment.—Read a first time:—Gold and Silver Plate (Scotland); Assessed Taxes.

Petitions presented. By Viscount Melbourne, from Glastonbury and Maryboro', for the Repeal of Staonp on Newspapers; and from Wisbeach, for their Lordships to reconsider Irish Municipal Act; and from Glasgow, to be heard by Counsel against Bankrupts' Estate (Scotland) Bill; and from Boston, for Charitable Trustees' Bill.—By Lord Lyndhurst, from Cottingham and Kidby, for preventing Ecclesiastical Corporations from granting further Renewal of Leases, and from Perthshire and Perth, against parts of Small Debts' (Scotland) Bill.

Church of Scotland.] The Earl of *Aberdeen* rose to ask a question of the noble Viscount opposite, respecting the commission which was last year appointed to inquire into the claims put forth for additional church accommodation in Scotland. His opinion was still unchanged as to the duty of Government to have acted upon their own responsibility in respect to that application, without appointing any commission of the kind. The inquiry having, however, been instituted, it of course became a matter of interest that the result should be made known without any unnecessary delay. He believed that the commission had already had an opportunity of making a very full inquiry into this matter, and he wished to know from the noble Viscount opposite, whether it was likely that a Report would appear in the course of the present Session? The expense of the commission during the past year had amounted, he believed, to no less than 10,000*l.*, and if it were to continue much longer at this rate, it would soon swallow up the whole amount in the first instance required in aid by the Church of Scotland.

Viscount *Melbourne* replied, that he apprehended no Report had as yet been made by the commission alluded to, but such a Report, he believed, was in a state of forwardness, and would soon be printed. He still entertained the opinion, that the appointment of this commission was absolutely necessary before Government could act in the matter, and such being the case, the expense would, of course, be borne by the country.

Tithe Commutation (England and Wales) Bill.] On the motion of the Marquess of Lansdowne, the amendments of the Commons upon the Amendments of the Lords in the Tithe Commutation (England and Wales) Bill were taken into consideration.

Lord *Ellenborough* said, that the House of Commons having, in his opinion, treated their Lordships' amendments in this Bill in a spirit of great fairness and conciliation, he was himself very much disposed to accept what amendments they had introduced at once without any objection or discussion on the part of this House.

Commons' amendments agreed to.

COUNTY ELECTIONS.] Viscount *Melbourne*, in moving the Order of the Day for the second reading of the County Elections Polls' Bill, said, that he did not consider it necessary to trouble their Lordships with much of comment or of argument on the subject, but would content himself with very briefly stating the objects which the Bill had in view. This Bill was founded upon recommendations contained in the Report of the election expenses of the Select Committee of the House of Commons which sat in the year 1834, and its object was twofold: first to afford additional accommodation to the electors, by the erection of an increased number of polling places; and, secondly, to limit the taking of the poll to one day. With regard to the utility of the former proposition, very little difference of opinion, he thought, could exist; and with regard to the latter, he considered that the shorter the time in which the votes of the electors could be taken, consistently with general convenience, the better. It was notorious that whatever unfair bargainings for votes, and other unfair proceedings of the kind, accompanied an election, generally took place during the interval between the first and second day's polling. It was also ascertained by experience that, in most cases, by far the greater number of electors who voted at any particular election were polled on the first day. The Committee of the House of Commons, who reported upon this subject, were unanimous in the opinion that the borough elections should be terminated in one day, and a majority of them considered, that in the counties the same measure could with great propriety be adopted. The bribery that occurred, it was observed, generally took place between the first and second day's poll, and many electors refused to poll upon the first day, in order that they might make better terms as the contest became closer. If, then, there would be no other advantage to follow the proposed change this would be a great one, that it would effectually put a stop to many corrupt practices. The advantages of the change, he considered, were sufficiently plain and obvious. He did not say that it would be unaccompanied with disadvantages, but the question for their Lordships to consider was this—did or did not the advantages outweigh the disadvantages? As to the disadvantage of one or two persons being detained by the pressure of business, or being precluded from recording their votes in two contiguous counties; although these were, certainly, disadvantages, yet they were by no means sufficient to counterbalance the great advantages to be derived from this measure. He did not mean to quote the Report of the Committee of the other House, to which he had already alluded, for more than it was worth. He wished to state, that the Report particularly referred to borough elections, and the evidence received before the Committee especially referred to boroughs. All the evidence received with respect to counties, was that given by two witnesses. Mr. Palmer, one of these witnesses, was the under-sheriff for Kent, and he stated that he conceived the whole of the county of Kent could be polled in one day, if they worked at the election as they had done in Canterbury. Mr. Terrell, the other witness, a solicitor in Exeter, stated, that in Devonshire, in the general election in 1833, the poll could have been concluded in one day. These were the principal persons concerned in county elections who had been examined, and the opinion of both was, that the elections could be terminated in one day if proper arrangements were made. With respect to one clause in the Bill, an error in it had been pointed out to him which could be corrected in the Committee. He trusted he had stated sufficient to induce their Lordships to give the Bill a second reading.

Lord *Wharncliffe* said, that he could see no reason for agreeing to the measure now proposed. It was a curious fact, that the title of this Bill was "A Bill for shortening the time of taking the Polls at County Elections," whereas upon reference to the preamble, it would be found that there was no allegation as to the inconvenience of the present mode of taking the polls, but that there was an allegation as to the necessity of increasing the number of polling places. Now, for his own part, he really did not understand that there was any inconvenience in the present practice; but he confessed that he did not look upon the mode proposed as equally free from that charge. There were two objects in the Bill—one to increase the number of polling places; the other to shorten the time for polling. Now, suppose the House was to agree to enter upon the consideration of the first of those objects, but was to reject the last clause of the Bill, which provided for the other object, what must they do with the Bill after that? The title must be wholly altered; it would no longer be a Bill for shortening the time of taking polls; but it would be a Bill for increasing the number of polling places. He confessed that he could not but look with great jealousy at this Bill. It was a Bill that went to give an advantage to the voters in towns over those of the agricultural districts, and it did appear to him to be an attempt, by a side-wind, to get rid of the effect of the Marquess of Chandos's clause in the Reform Bill. In the first place the voters in the rural districts were farmers. Now suppose the poll was to be limited to one day, and it happened that a neighbouring fair was held upon that one day, the extreme inconvenience to the farmer was evident. Again, in county elections, there was an absolute necessity for some conveyance, and that very necessity would render it in the power of any candidate altogether to prevent the electors from exercising their franchise, supposing the proposed limitation of the time to take place. Such means had been resorted to. He knew that impediments had been placed in the roads in order to prevent electors from polling within a certain period. How was it possible that that could be remedied by this Bill? Would the increase in the number of polling places remedy it? He thought not. But there was still another objection. The returning officer would be in the central part of the county; the polling places and the deputies would be at a distance. Suppose a riot should take place, he would be glad to know whether it was advisable that the whole proceedings should be closed at five o'clock upon that day in all cases but those in which the riot proceeded to such an extent as to induce the officer to prevent the poll from proceeding? He maintained that the cases of towns and counties were as perfectly distinct as possible, and that the arguments which applied to one were wholly inapplicable to the other. He saw no inconvenience in the present system, and he would, therefore, be glad to know the reasons for substituting in place of the present a mode of proceeding in which he did see very great inconvenience. As to the other part of the Bill, for increasing the number of polling places, he thought that the power should not be given to the Privy Council; they ought to proceed exactly as they had done with the Boundary Bill. But if they consented to the principle of that part of the measure, but did not consent to shorten the duration of the time for taking the polls, what would the House of Commons think of the measure when it was returned to them—a Bill for increasing the number of polling places, they having sent it to that House a Bill for shortening the time for the taking of polls? Under these circumstances he was inclined to think, that the better course would be not to enter upon the measure, and he would accordingly move that it be read a second time that day three months.

Lord *Hatherton* had, upon coming down to the House, not the least expectation that such a course as was now proposed would be adopted with respect to a measure which so immediately affected the interests of the constituency, and respecting which the House of Commons had expressed so strong an opinion. He was perfectly aware that such a measure as this was greatly desired. This measure, it was to be observed, was one which, by increasing the number of polling places, must greatly benefit the small voters now living at a distance of ten or fifteen miles from a polling place, and who could not proceed there unless conveyed at the expense of the candidate. In 1832, he had been employed by the Government in forming a list of the polling places. That list had been passed unanimously by the House of Commons. He had, before submitting that list to the House, consulted all classes of persons who could give him information upon the subject. He knew from all these that the complaint was that the number of polling places was too few, and that it would be a great economy of time and expense if they were increased. The Government did not increase them because the whole arrangement was a novelty, and they were afraid of proposing it on too large a scale. Elections that had already taken place proved that all the voters could be polled in one day. In 1832, in ten counties, 33,181 were polled in one day. In thirty-four counties there were polled, in 1834, on the first day 115,141 electors, and on the second day 25,122. There could be no doubt that all these could have been polled in one day, and if the polling places were increased, the contest would have been over at an early hour. He could not, then, but express the sincere disappointment he felt at the opposition now offered to the contests at these elections being terminated in one day. He regretted too that in a matter affecting the feelings of the constituency and the wishes of the House of Commons, their Lordships would not so far defer to the feelings of the one and the wishes of the other, as to give the Bill a second reading.

The Marquess of *Salisbury* had, he said, left the House of Commons long before the noble Baron, he could not, therefore, speak with such certainty of its wishes; but if he were to judge from the letters he had received, there was a strong feeling against the extension of the number of polling places. As to the county elections terminating in one day, he really regarded this Bill, which had such an object in view, as offering a premium upon riots, for the purpose of preventing the voters coming to the poll. The only argument offered in support of the Bill was the evidence of Mr. Palmer, who stated they could poll the county in one day, if they worked at every other place as they had done at Canterbury. A very poor argument, in his opinion, to support such a Bill as this.

The Duke of *Richmond* said, it was undoubtedly most desirable that those scenes which took place at all contested elections should be as short as possible—that the scenes of drunkenness and riot, quarrelling and fighting, should be confined to one day, and one day only. His noble Friend (Lord Wharncliffe) felt that this measure was prejudicial to the *50l.* tenants; but who were the *50l.* tenants? Why, they were farmers, and, of course, had carriages to convey them to the place of polling; and if they multiplied the places of polling, so as to fix them in the large villages as well as the towns, the convenience to the farmer would be increased. As to rioting or barricading a town, the noble Lord must remember that the sheriff had the power of putting off the poll for a day, and also, if he thought fit, of holding it in the neighbourhood of the town. Whilst he stated that, he was strongly in favour of the principle of the Bill, he would at the same time confess that there were several matters of detail to which he entertained objections; he should, however, vote for the second reading, hoping that those parts might be altered in Committee.

The Earl of *Falmouth* said, there could be no doubt as to their Lordships' right to interfere with this or any other measure; and most fortunate was it that their Lordships had that constitutional right, for when they saw the motions which were placed upon the order book of the House of Commons with respect to their Lordships' House, no man who loved the Constitution could regret that the consent of that House to those measures was constitutionally necessary. As to increasing the number of polling places, he doubted exceedingly whether that would save any expense. In the present times there were some gentlemen who appeared to desire to verify the saying, "that it never rains but it pours," for they were not contented with the good they had already received; and he did consider the increase in the polling places to its present extent one of the best provisions of the Reform Bill, but they now wanted that ultra-multiplication of polling places which was proposed by the present Bill.

Lord *Wharncliffe* explained. He was not anxious to press his motion, if the noble Viscount were willing to give up the one subject of the Bill—the limitation of the poll to one day—to which they objected, for the sake of preserving the other object, to which they were not, on principle, opposed.

Viscount *Melbourne* said, that undoubtedly he did consider the first part so important, that he should be ready to sacrifice the latter part, in order to obtain it. He must confess, however, that he thought noble Lords opposite were in the habit, of late, of considering all measures as directed against their personal interests—as if the object of every measure was to overthrow their power; so that they looked at the measures whilst under the operation of fear and terror—and it was known that persons under the influence of such feelings, were not generally very clear-sighted—and he thought that was the case with regard to the present Bill.

Lord *Ellenborough* said, that they would have to draw largely upon the memory of the noble Baron (Lord Hatherton), as it would be expedient that the polling places should be specifically named in the Bill.

Lord *Wharncliffe* would, if that were to be the case, beg leave to withdraw the amendment.

Lord *Lyndhurst* remarked, that if they struck out the last clause, they would alter the title, which had been objected to so much in another Bill.

Lord *Holland* did not think it necessary to alter the title of the Bill, for by increasing the number of polling places, they shortened the time of the elections.

Viscount *Melbourne* replied to the noble and learned Lord, that the alteration in the title of the Bill was objected to, because it proved the alteration in the substance of the Bill. If the House of Commons sent up a Bill with an improper title, there could be no objection made to its alteration.

Bill read a second time. Amendment withdrawn.

ESTABLISHED CHURCH.] Upon the motion of Viscount Melbourne, the Established Church Bill was read a third time.

The Archbishop of Canterbury brought up a clause, which was agreed to.

On the motion, that the Bill do pass,

The Duke of *Cumberland* said, he hoped the most reverend Prelate would excuse him for saying, that he could not agree with him as to the effect of this measure. In his opinion, it would prove most prejudicial to the Church. He considered it a dangerous measure, and he could not give his consent to its passing.

The Bishop of *Hereford* trusted, with the illustrious Duke, that the most rev. Prelate would not consider it a mark of disrespect on his part, if he differed from him in the conclusion he had come to on this Bill. The clause added this night he entirely agreed with; but as respected the Bill itself, now that it had received all the alterations proposed in the Committee, and on other occasions during its progress, he still viewed it with misgiving and fear. The most rev. Prelate had stated, that the Bill was received, he had reason to believe, with unanimity by this House, and also by the clergy. He did not mean to put his information in competition with that of the most rev. Prelate, but the conclusions to which he had come, from the information that had reached him, were very different. They with whom he had had the means communicating personally, or by letter, or whose opinions he had heard from others, entertained but one sentiment, and that was a feeling of distrust and dismay. They saw that arrangements were made, under which the property of the Church was to be disturbed, and how it was to be resettled, they had yet to learn. There was no legislation in this Bill for the future settlement; there was to be a Committee for the regulation of the property of the Church, and they were to be bound down to certain points, it was true, but these points were various, and the powers given to the Commissioners were most extraordinary. It was not for him to detain the House at this stage of the Bill. He must, however, relieve himself from being supposed to participate in the measure, by saying, with the illustrious Duke, "Not content."

The Archbishop of *Canterbury* was surprised at what had just fallen from the right rev. Prelate, because he did not think he was one of those who, in the first instance, disapproved of the Commission, the objects of which were a better distribution of ecclesiastical property, and the prevention of the holding of *commendams.* This Bill resulted from a conviction of the necessity of equalizing the episcopal duties, of providing for a redistribution of ecclesiastical property, and also of laying some taxes on the richer bishoprics, in order to make the poorer sees equal to the maintenance of the bishops belonging to them. Of what the right rev. Prelate did disapprove, he could not say. Was it of the redistribution of the property? Was it of the proposal to diminish the extent of the archbishopric of York, which was at present sufficient for the full employment of three bishops? Was it of the recommendation, that the territories of the bishopric of Lincoln, which at present extended from the Humber to the Thames, should be circumscribed, and the scattered parts attached to the neighbouring sees? Did the right rev. Prelate desire that the bishopric of Lincoln should still extend from the Humber to the Thames? The revenues of some of the sees had, of late years, considerably increased. The revenues of the Archbishop of Canterbury were much more now than they were thirty years ago, and very much more than they were sixty years ago. The revenues of the Bishop of London, in consequence of the buildings, had much increased also. There was an increase also in the case of the bishopric of Durham, and the bishopric of Ely, though not in an equal degree. He did not see that the whole of the property of the Church was likely to suffer very materially by a tax being laid, under these circumstances, on the Archbishop of Canterbury, and the Bishops of London and Durham, for the purpose of making up the incomes of some of the poorer bishoprics. Each individual must speak according to his means of observation, but, as far as he could judge, the clergy were generally favourable to this measure.

The Bishop of *Lincoln* supported the Bill. He thought the apprehensions of his right rev. Friend quite unfounded.

The Duke of *Wellington* begged to declare his approbation of this Bill. There were, unquestionably, anomalies in the Church, and, in his opinion, the Church Establishment could hardly stand the discussion of some of those anomalies, particularly the existence of the *commendams*. It was proposed to take what was necessary for the existence of some of the bishoprics from the revenues of others, who were enjoying incomes larger than was necessary for them, even in the high stations they occupied in this country. He had heard a noble Marquess, not now in his place, complain of the application of certain revenues of the see of Durham for that purpose. He believed that it had been the practice for a number of years past, partly to provide for certain members of the episcopal bench out of the revenues of the see of Durham. Those revenues, at least those of the deanery and other revenues of the diocese, were hereafter to be applied to other purposes; and out of the revenues of the see itself, the means had been provided for the support of certain other bishops. That he considered to be a good arrangement, and it was most fortunate that it had been in the power of the Commissioners to make it. Whatever measures in reference to this subject might hereafter come under the consideration of the House, he must entreat the right rev. Prelates, and his noble Friends, not to look at this question too much in detail, but to look at it as a whole, and to act upon it upon principle. Their Lordships must see before them the necessity of making an alteration in that venerable establishment, the Church, for the purpose of preserving the whole; and he would say, do not criticise this measure too much, unless they intended to go with the Commissioners, and see what they would have done themselves had they been in their situation. He placed his full confidence in those who were at the head of the Commission, to whom his Majesty's Government were disposed to listen on this subject. He would look into their reports, and at the measures which they would bring forward, with a view to carry into effect the great principles which had been proposed. He trusted their Lordships would do the same.

Bill passed.

Small Debts (Scotland).] On the motion that the Small Debts (Scotland) Bill be committed,

The Marquess of *Bute* felt it to be his duty to oppose the Bill going into Committee. It was scarcely known of in Scotland; and any Bill for Scotland ought at least to be brought into one or other of the Houses of Parliament in the month of April, so that the people of Scotland should have full knowledge of the course which the Legislature was taking with respect to that country. He must say, also, that in any Bill of this description, he considered it desirable that a concurrent jurisdiction should be given to the magistrates in Petty Sessions. It might be true that a great many persons in Scotland might be favourable to the Bill; but he knew there was a large number that were not, and the more particularly as regarded the fact of not giving a concurrent jurisdiction to the magistrates with that which was given to the sheriff. He would suggest that the Bill should not proceed further this Session; and at the earliest period in the next he should be happy to give the subject his best consideration, with the view of extending the powers of the magistrates. Entertaining these feelings, he begged to move that the Bill be committed that day three months.

The *Lord Chancellor* had heard noble Lords assigning the lateness of the Session, even so early as June, as a reason for not proceeding with measures—others had objected on certainly stronger grounds, to proceed with measures so late as July and August; but it appeared that a new rule was to be laid down as regarded Scotland, and that unless measures affecting that country were introduced before the last day of April, the parties connected with Scotland had not time sufficient for giving such measures due consideration. What time this Bill was brought into the Commons he could not say, but it seemed that on the 13th of July it was ordered by their Lordships to be printed. The Bill, he had reason to believe, was anxiously looked for by a large proportion of the people of Scotland, who thought that it would be a great improvement on the present system, and be productive of great benefit. The effect of the Bill would be to raise the sum over which the sheriff had jurisdiction from 8*l.* 6*s.* to 10*l.* The object of the measure was to enable the sheriff more effectually to bring justice to every man's door, by empowering him to hold his Court in different parts of the county instead of in one place. It was true, the law as it now stood enabled the Sheriff to do this, but it was wholly inadequate, because it did not provide for the expenses. He put it to their Lordships whether they would deny important benefits to the people merely because certain powers were not given to the justices of the peace. The noble Marquess, indeed, seemed to consider that there was some jealousy on the part of the magistrates as regarded the jurisdiction of the sheriff being extended to 10*l.*, while theirs remained at 5*l.*; but he thought that was a strong argument in favour of the Bill, because if it worked well it would be easy to extend the jurisdiction of the justices up to the amount now given to the Sheriff. There was nothing in this Bill to prevent a bill with that object being passed through Parliament next Session.

The Earl of *Haddington* objected to the measure, because it would create an inconvenient and expensive machinery, and draw away the Sheriff, who was a stationary officer, from other important duties. He did not see why the power proposed to be given to the Sheriffs should not be also given to the justices, as that arrangement would entirely obviate the necessity of the Sheriff travelling from place to place to hold his Courts. A similar power had been vested in the hands of the justices of the peace in Ireland, and he could not see why it should be withheld from those in Scotland. The fact was, this Bill was part and parcel of a system which a great number of people in Scotland were bent upon, consisting chiefly of persons of the legal profession. He thought the details of the Bill required a great deal more consideration than had been given to it. Scotch Bills were generally ill-prepared, because, when they were in the other House, they were generally disposed of in a thin House, and nobody seemed to understand them. Perhaps their Lordships would say, that was not the only place where that was the case. He would support such a Bill as that recommended by the noble Marquess (Bute), but he must oppose this Bill.

Amendment agreed to. Bill put off for three months.

HOUSE OF COMMONS,

Friday, August 5, 1836.

Minutes.] Bills. Read a third time—Assessed Taxes;—Church Temporalities (Ireland).—Read a second time: —Exchequer Offices (Ireland). Justices of Peace Courts (Scotland).—Read a first time:—Slave Owners' Compensation; Slave Treaties. Petition presented—By several Honourable Members, from various places, for Abolition of Church Rates.—By Major Beauclerk, from St. Helen's, Isle of Wight, against Poor Law Amendment Bill, and for the Amendment of the said Bill.—By Mr. R. Wallace, from Ayr, Newton and Wallacetown, for Law Reform (Scotland).—By Mr. Scarlett, from Norfolk, against Copyholds, &c.—Bills—By Mr. Hamilton, Dublin, against present System of Education (Ireland). —By Mr. Hindley, from various places, for reducing the Hours of Labour in Factories.—By Mr. Morgan John O'Connell, from Landrello, Lord's Day Observance Bill. —By Mr. James Oswald, from Glasgow, for Total Repeal of Newspapers Stamp Duty, and from Burntisland, fot Protection in any Treaties with Foreign Powers.—By Mr. Morrison, from the Retailers of Beer, Hastings, to be placed on the same footing as Licensed Victuallers. —By Mr. Bannerman, from Prestwick and Monckton, for Amendment of Law concerning Heritable Property, (Scotland).

Dismissals from the Navy.] Sir *E. Codrington* presented petitions from Lieutenant Rowland Milner; Mr. John Bee, gunner; and Lieutenant Bryant, all of the Royal Navy, complaining of their names having been erased from the Navy List, and deprived of their half-pay, and praying for inquiry. The last petitioner stated, that any charge that would subject him to such harsh treatment must be the result of conspiracy; and he only sought for an opportunity to establish his innocence.

Mr. *C. Wood* was much gratified in being enabled to inform the honourable and gallant Admiral and the House that circumstances had been brought to the knowledge of the Admiralty which satisfied them that the charges against Lieutenant Bryant were wholly without foundation, and consequently that his name would be restored to the list.

Sir *E. Codrington* said, that this fact showed the necessity of the parties being brought face to face before such extreme measures were resorted to.

Petitions to lie on the table.

Treasurers of the Navy, Army and Ordnance.] Sir *James Graham*, before the House went into a Committee of Supply, was desirous of asking a question of the Government. Towards the end of the last Session a Bill was brought in for the purpose of consolidating the offices of treasurer of the navy, paymaster of the army, and master of the ordnance. They had now arrived at a late period of the present Session, and on the last day for bringing forward the supplies, and he perceived by the army and navy estimates, that all provision for these offices was omitted. What he, therefore, wished to ask was, whether any estimate on the subject would be submitted to the

House, and whether the salaries of those offices had been paid on the 5th of July, and, if so, out of what fund were they defrayed?

Mr. *Francis Baring* was understood to say, that the arrangement to which the hon. Gentleman had alluded, was one that required much consideration; and was not yet completed. He apprehended, however, that they would be ready in a few days and then they should be immediately laid before the House. With regard to the payment of the salaries of these officers there was no estimate submitted for the purpose in the Army, Navy, or Ordnance Estimates, because the Treasury thought it would be better that provision should be made for the charge in a separate estimate. It was the intention of the Treasury to submit such an estimate to Parliament, and they had hopes that they would have been able to consolidate the three offices in sufficient time to enable them to submit this Session as short an estimate as possible for the purpose. In consequence, however, of their not being able to finish the arrangements for the consolidation of the offices until the present late period, it was impossible for them to lay such an estimate before the House. The parties holding the situations had been paid their salaries up to the 5th of July, and it was true, that no vote of the House had been taken on the subject. It was conceived by the Treasury that it would be a great hardship on these parties if they should be kept out of their salaries through no fault of their own, and therefore an order had been issued for their payment out of the Consolidated Fund. The right hon. Baronet should have the correspondence with the Treasury on the subject laid before the House if he chose to move for it. He (Mr. F. Baring) was sure that the House would not consider that anything wrong had been done, though no formal vote of the House had been taken on the subject.

Sir *James Graham* said, that though he should not call for the correspondence with the Treasury on the subject, he must remark that when Parliament was sitting no money ought to have been issued except by a vote of that House. A supplementary estimate should have been brought forward in this case. He was sorry to find that these regulations would not be laid upon the table of the House in sufficient time to have a discussion on them this Session. He was the more sorry for it, as they affected an office which he, in common with a late treasurer, had great trouble in regulating. From the statement of the hon. Gentleman, however, he gathered that no opportunity for discussing them this Session would occur.

On the motion of Lord Morpeth, the report on the Corporate Property (Ireland) Bill was further considered, and agreed to, and the Bill ordered to be read a third time on Monday next.

Mr. F. Baring moved the order of the day for the House going into Committee of Supply.

SLAVERY IN TEXAS.] The Order of the Day for the House going into a Committee of Supply having been read, on the question, that the Speaker do leave the Chair,

Mr. *Barlow Hoy* rose to bring forward the motion of which he had given notice on this subject. He should endeavour to be as brief as the importance of the subject would permit him—a subject of the highest interest to the great cause of humanity, and of immense importance to our colonial possessions in the western world, and to a large body of our most respectable merchants at home, who had embarked 70,000,000 dollars in the Mexican dominions. What, let him ask, would be the consequence if the United States should be suffered to wrest the Texas from Mexico, and to take possession of it? Would not Cuba and the other Spanish possessions in the gulf of Mexico then soon fall a prey to the United States? Some weeks ago, in answer to a question from him (Mr. B. Hoy), as to whether the noble Lord had had any correspondence with the Mexican Government on the subject of the establishment of the slave-trade in the Texas, the noble Lord said, that if the Mexican Government should prevail in the present war in Texas, he had no doubt that the laws of Mexico against the slave-trade would be carried into effect, but that the case might be different if the other side should succeed. Now, he (Mr. B. Hoy) would contend, that whether the Texas should remain a province of Mexico, or should revolt and become a portion of the United States, it would be still equally bound by the treaty which it had entered into with this country, as a portion of the Mexican dominions, to prevent the carrying on of the slave-trade within its territory.

He could quote abundant authorities on that point; he would quote the authority of the noble Lord himself in the first instance. The noble Lord himself, some nights ago, in answer to an observation from him, in reference to Holland, said, that there could be no doubt that Holland was bound by a treaty which it had made with this country, when Holland and Belgium were united. The war now carrying on in Texas was a war not for independence, not for liberty, but positively for slavery. That was the object for which the Texians had revolted. To confirm this, the hon. Member read an account of the proceedings of a public meeting held at Brasoria, on March 17, and quoted the resolutions passed, one of which declared that, " Necessary and effective measures should be promptly adopted for securing, in a proper manner, all negroes against the means of doing injury to their families, and placing all in a state of every possible safety." The laws of Mexico prohibited carrying on the slave-trade, and if this revolted province should remain a portion of the United States, and should, as such, proceed to carry on that abominable traffic, it would directly violate a treaty made with this country. The press of America had long taken the part of the Texians, and had spread the most exaggerated statements against the Mexicans. It was evident that, the independence of Texas once established, that province would soon be added to the federal union of North America. The number of States in the union had originally been but thirteen; they were now increased to twenty-six; and there could be no doubt, that if Texas were added to the union, the basis of the connexion would be to establish slavery, and the slave-trade, permanently, in that province. He begged to ask the noble Lord (Palmerston) if, within the last ten days, he had not received an application from the Mexican Government to use the good offices of this country, to remonstrate with the United States against the violation of treaties, and the various aggressions of the southern states, on the dominions of Mexico. The hon. Member, in support of this view, read extracts from an article in the *Times* newspaper, and from speeches of Mr. John Quincy Adams, to shew the importance to America, in a commercial point of view, of annexing Texas to its territory, and to prove the intention of the United States Government to effect the union. It was now for that House to consider whether, after the enormous sums expended in abolishing and putting down slavery, it would render the whole of that expenditure useless, and allow slavery to take deep root in situations with respect to which this country, had both the power and right to interfere in suppressing it. Let the House bear in mind the cost to which already Great Britain had been put in repressing the slave-trade. The expense of the establishment at Sierra Leone was annually 40,795*l.*—the support of captured slaves 25,000*l.*—the expense of the Commissioners, 16,000*l.*—the expenses of twelve vessels stationed off the coast of Africa, 60,000*l.* and for eight or ten vessels in South America and the West Indies, 25,000*l.* more. These expenses were annual, and still continuing charges upon the country. The several items amounted to 166,000*l.* If to these payments was added the interest upon the 20,000,000*l.* given to the West-Indies, with the grants to Spain and Portugal, and the head-money formerly paid to the navy, to the amount of 484,000*l.* per annum, the whole annual expenditure of this country for the suppression of the slave trade was about 1,100,000*l.*, calculating the interest at about 3½ per cent. Even now, despite this expenditure, such was the state of Texas, that the slave-trade had of late years increased. In the last year, 1835, no less than eighty vessels had left Cuba with slaves; and a calculation had reached him, that not less than 13,000 slaves were thus annually introduced into Texas and its neighbourhood. With these facts before it, would the House consent to further protection being given to the system at which humanity shuddered? But supposing the independence of Texas to be established, and that it formed part of the United States, let the House consider what vast commercial advantages the latter would gain over this country. By that junction, the United States would be brought within six weeks sail of China. Neither ought the importance of the possession of the mining districts by America, be lost sight of by this country. The mines of Texas were of immense value—one alone having produced not less than 30,000,000 dollars. Unless Mexico was assisted, as she ought to be by this country, she would be so weakened as soon to become an easy victim to the ambition of the United States of America; and his (Mr. B. Hoy's) object, therefore, was, to induce the House to address the Crown for the due fulfilment of an existing treaty, in which Great Britain bound herself to co-operate with Mexico. He contended, that the employment of the word "co-operate" showed that this country ought to afford every species of assistance to Mexico, not only by remonstrating in an amicable manner with the United States, but by sending out a naval force to assist Mexico against Texas, and to prevent aggression by the United States. He entreated all who felt a real and a zealous interest in the abolition of slavery, to join with him for this purpose; and he maintained that no time ought to be lost by this Government in remonstrating with the United States. The Texians were men of many nations, in the lowest scale of morality, and interested as speculators in carrying on the slave-trade. He concluded by moving, "That an humble Address be presented to his Majesty, praying him to direct, that such measures may be taken as may seem proper to secure the fulfilment of the existing treaty between this country and Mexico; and to prevent the establishment of slavery and traffic in slaves in the province of Texas, in the Mexican territory."

Mr. *Ward* seconded the motion, and said that the deep interest which he had long taken in the question induced him to say a few words. From the time of his mission to Mexico, he had observed that it had been the fixed determination of the United States, by fair means or foul, to obtain possession of the province of Texas. Hon. Members might, perhaps, not be aware of the importance and value of such an acquisition. That territory contained upwards of 120,000,000 of acres of the finest land: it was watered by several navigable rivers, having their embouchures in the gulf of Mexico; and on its coast were to be found many harbours, superior to all others in the adjoining territories, and the possession of which would give them a complete command of that gulph. When Mexico became an independent state, her government agreed to abolish slavery in its dominions. He could answer for the fact that during his residence in that country the treaty was most rigidly enforced, and at present he would take upon himself to say that there were not more than twenty slaves in it. Ever since the erection of Mexico into an independent republic, the United States had cast most covetous eyes upon the province of Texas. He had observed a curious proof of it during his residence in Mexico, when, through their agent, Mr. Poinsett, they took measures for the purpose of obtaining such a party in the Mexican Congress as would consent to allow them to have the Texas for a certain number of dollars. This endeavour failing, the United States had had recourse to other means; they encouraged all the refuse of their population to overflow the boundary line between the United States and the Texas, and to take possession of the lands of the latter. This was done; the lands of Texas were occupied by subjects of the United States, a Texian Land Scrip was created, and the Stock became the subject of speculation in the markets of New York and New Orleans. No Texian had any interest in it. The territory was in the hands of some ten, fifteen, or eighteen thousand adventurers—men recognising no laws, and seeking for nothing but the means of turning their land to the utmost account. When he was in Mexico there had been in communication with Mr. Poinsett, upon the subject of the occupation of Texas, an American, who was now the President of the new Texian Republic—a man of talent certainly, but utterly devoid of principle. As a further proof of the connection of the United States, he would state that Mr. Forsyth, a Member of the Cabinet, was reported to be a very large owner of Texian land. Thus it appeared that Texas, being undeniably a country belonging to Mexico by solemn treaty, and being uninhabited, the Americans had created a population in it, and instigated that population to declare itself independent; and the Committee of foreign relations in the Senate then came forward with a solemn report, ushered in by Mr. Clay, gravely discussing the absolute necessity of recognising the independence of Texas—a State which they had created from the off-scourings of the population of their own Western States, and which they had encouraged in every way, by furnishing supplies of men, arms, and munitions of war, to sever itself from Mexico. There were two considerations which ought to weigh with them in discussing this question. The first was the question of general policy—whether it were advisable to allow the United States to pursue a system of aggrandisement without any endeavour on our part to check them, and to allow the extension of their territory to the Rio Bravo and the Gulf of Mexico, in such manner as to obtain for them the absolute command of that Gulf; for certainly the acquisition of Texas would give them that command, and would enable them with half a dozen privateers to shut us out entirely from our present trade with Mexico, leaving us no route whatsoever by which to maintain a commercial intercourse with that country save that leading round Cape Horn to its western coast. Upon the importance of that trade, not only in reference to its present actual amount, but in reference also to the large probable increase which it would undergo, it was unnecessary for him to dwell; it was growing more extensive every day; nor could he see any definite limit to its increase in future years. Our connection with Mexico was rendered, too, more intimate by this circumstance, that we possessed a large capital invested in mining adventures in that country. It was impossible, then, to contemplate without anxiety, events having a tendency, apparently, to sever from the Mexican State a most valuable portion of its territory, and to place our trade with that state at the mercy of a commercial rival. The noble Lord must be aware that in 1825 there had been a somewhat similar project, on the part of the United States, to obtain possession of the island of Cuba. There were at that time in Cuba three parties, severally wishing for a connection with England, France, and America; the mutual jealousy of the three countries, however, prevented any one of them from taking possession of the island, and they came to a solemn treaty—notes having been actually interchanged by their respective Governments—that neither England, France, nor America, should interfere with Cuba, but that it should be left in the possession of Spain. The other consideration of which he had spoken, as one which ought to have weight in the discussion of the question, was the consideration of moral feeling which must influence every Gentleman acquainted with the condition of Society in the Western States of the Union, and every Gentleman aware of the incalculable misery which the system of slavery, there prevailing, inflicted upon so many millions of human beings. The question to be decided under this view of the subject was whether, for the purpose of maintaining that demoralizing system, they would allow the annexation of the territory of Texas to the United States. In a pamphlet recently published upon the subject in the Union, a great fear was expressed as to the consequences of such an event on the part of the non-slaveholding States; for doubtless the House must be aware that the States were at present divided into two great parties, the slaveholding and the non-slaveholding States; that a struggle had been for some time carrying on between them in the national Legislature, and that the parties were now pretty equally balanced. The result of the annexation of the province of Texas would be the creation of nine additional slaveholding States, with eighteen Representatives in the Congress at Washington; and that circumstance would put an end to all hopes of doing away with a system which formed the most degrading feature in the whole frame of the United States. He thought that the subject was one which deserved the most serious consideration of his Majesty's Ministers, and on that account he earnestly supported the motion.

Viscount *Palmerston:* If at the beginning of the observations he should make upon what had fallen from the hon. Member (Mr. B. Hoy) opposite, and from his hon. Friend, the Member for St. Alban's (Mr. Ward), he stated that he did not feel himself at liberty to agree to the motion for an address to the Crown upon the subject to which the hon. Gentleman's motion referred, he trusted that neither the hon. Member nor the House would imagine that that was any proof that he did not feel the full importance of the subject, or that the Government was not as much animated as he was by a sincere desire to put an end to those evils to which mainly the proposed address related. But he thought, and he trusted before he concluded, he should satisfy the House that such an address would be at the present moment in some respects unnecessary, and in other respects premature. The observations made by the hon. Mover, and those by his hon. Friend (Mr. Ward) appeared to divide themselves, properly speaking, into two different branches, one relating to the political part of the question, the other to the separate topic of the trade in slaves. With regard to the political branch of the subject, undoubtedly the possibility or the probability of the province of Texas being added to the United States of North America would be a subject which ought seriously to engage the attention of that House and of the British public. But with regard to that question he did not think that the events which had yet occurred, afforded any ground to think that there was at present any such probability of a result of that kind as to call upon that House to agree to an address to the Crown with respect to it. The present state of the province of Texas was this:—That whereas a revolt had taken place in that province; a Mexican army had been dispatched for the purpose of putting it down; that their first operations were greatly successful; but that a portion of the army having incautiously advanced considerably before the main body, was surprised by a portion of the Texian force, routed with great slaughter, and the President, who happened to be with that part of the Mexican army, taken prisoner. But he (Lord Palmerston) thought the House could not infer from that single event what would be the ultimate issue of the war now going on in Texas. It was probable, that the resistance of the people of that province might prevail against the authority of Mexico; but, on the other hand, the advantage of numerical superiority was at present possessed in a very considerable degree by the arms of Mexico; and by the latest accounts that had been received, it appeared, that the Government of that country were making great efforts to increase and equip their army. He thought, therefore, that Parliament was not at that moment in a condition to infer from what had happened, what would be the probable result of the struggle. With respect to the conduct of the United States of North America, although he was aware, as had been stated by the hon. Gentleman, and by his hon. Friend, that individuals in those States, bordering on the province of Texas, had given great assistance to the revolted population; yet, if they looked to what had been the conduct of the responsible government of the United States, they would find in the message sent to Congress by the President, at the beginning of the Session, the most unequivocal declaration, that the government of the United States would take no part in the war then raging between Mexico and her revolted province; and they would further find, that orders were issued by the government to enforce the laws of the United States, and to prevent its subjects from mixing themselves up in the dispute. He had too high an opinion of the honour and good faith of the government of the United States not to believe that it would act up to the declarations it had made upon the subject; and he thought, therefore, that such circumstances ought to arise before it would be fitting on the part of that House to send to the Crown any address bearing upon the political branch of the question. Now, with respect to that part of it which related to the trade in slaves, the hon. Gentleman had remarked, that in the correspondence between the Government at home and its agents abroad, which had been laid upon the table of that House, with regard to the progress or diminution of the trade in slaves, nothing appeared bearing upon the trade supposed to exist in the province of Texas. That was very true; and the explanation of it was, that the British Government had no agent resident in the province of Texas; and it was but lately that they had received from the British Ministers at Mexico any representation bearing upon the illicit trade which was supposed to be carried on in Texas. Now, it would undoubtedly be a very great evil, and be very much to be deplored, if the course of the civil war, be it what it might, should lead to an extension or to a renewal of the system of slavery. That was unquestionably a subject well deserving the attention of the House; and if the House were of opinion, that the Ministers were indifferent to the matter, or not disposed of their own accord to bestow upon it their most vigilant attention, and to do everything which might be in the power of the Crown to prevent such an evil, it would undoubtedly be its duty to admonish the Government upon the subject, by adopting a similar proposition to that now offered by the hon. Member for Southampton. But he assured the House, that the Government required no such stimulus to induce it to perform its duty upon that point; and he trusted, that that which it had already done, and that which it was in the course of obtaining, would be accepted by the House as a proof that it was as anxious and as active as the House could wish, endeavouring, to the utmost of its power, to put down the trade in slaves in every part of the world where it was at present carried on, and to prevent its springing up in quarters where it did not at present exist. But if the House considered what the effect of the progress of events in the province of Texas might have on the matter, he did not think there was any remarkable danger of an encouragement of the slave-trade being the result of the civil war between that state and Mexico. It was evident, either that Texas would be recovered by Mexico, and become again subject to the laws and authority of that country, or assert its own independence and become a separate state, or, having freed itself from Mexico, it might choose to attach itself to the United States. If the authority of the Mexican Government were established, then the laws of Mexico would again come into operation in Texas, and then, as far as internal administration was concerned, there would be no more encouragement to the slave-trade in that province, as a part of the territory of Mexico, than in any other part of the world. But in reference to anything that the Government of Mexico could do at the present moment, it was perfectly obvious that, whilst its authority was thrown off by Texas, and it was unable to rule or to make its laws obeyed in that province, it would be in vain for the Government of this country to apply to Mexico to put down the trade in slaves which might be carried on in that rebellious part of their territory. In the second place, if the province of Texas should establish its independence, it would then be for the Government of England, in addressing itself to the new state, to enter into such negotiations as would induce it to contract with England a similar engagement for the suppression of the slave-trade to those already entered into by many, and he hoped soon to be able to state by all the civilized nations of the world. If, in the third place, at any future and distant time the Texian province should become a member of the United States of North America, then undoubtedly there would be some danger that at least from other states of the union, slaves might be introduced into that particular province; but there would, he thought, be no real danger of slaves being brought there either from the coast of Africa, or from any of the islands of the West Indies. If there had hitherto been any importation of slaves into the province of Texas—and in candour he was bound to state he believed there had—he believed that they came chiefly from Cuba and from the neighbouring islands in the West Indies; he had not heard of any cargo having been received direct from the coast of Africa. With respect to the importation of slaves from Cuba, that was part of a larger question, which he trusted had now been satisfactorily disposed of. The House was aware that the British Government had concluded a treaty with Spain for the suppression of the slave trade, containing what he thought and believed would be most effectual provisions for putting an end to that trade under the flag of Spain. That treaty had only recently come into operation, and the statements which the hon. Gentleman (Mr. B. Hoy) had referred to, of the transfer of slaves from Cuba to Texas, related to an antecedent period. The House knew, that some years ago the Government of France had entered into a treaty with Great Britain, by which a mutual right of search, subject to certain limitations, was conceded by the one country to the other; and containing other arrangements for the more effectual suppression of the trade in slaves. What had been the result? Prior to that treaty, the slave trade had been carried on to an enormous extent under the flag of France; but from the moment that the treaty came into operation, he did not believe a single slave ship had sailed under French colours. England had now concluded a similar treaty with the government of Spain. Previous to the conclusion of that treaty, and almost up to the moment at which he was then speaking, the flag of Spain had been extensively used for the purpose of carrying on the trade in slaves. But he trusted and believed, that the effect of the provisions now entered into by this Government, which, in the case of France had been effectual, would have an equally effectual operation in putting down the trade which had hitherto been carried on under the flag of Spain; and that the enormous traffic in slaves which had been carried on in Cuba, in defiance of all the remonstrances of the British Government, would speedily be put an end to, and with it that minor branch of the same disgraceful trade which had recently been partially established in Texas. There was, however, another flag which had been still more abused for the purposes of the slave trade than either of those he had yet mentioned—he meant the flag of Portugal. The papers which had been laid on the table of the House contained a painful enumeration of the abominations which had been carried on under that flag; and hardly a week passed without his receiving fresh accounts, the last still exceeding the previous one, of the enormities committed under the colours of Portugal. But he was happy to state that a negotiation with that country, for the purpose of concluding a treaty precisely similar to that concluded with Spain, had been brought so nearly to a conclusion, that he hoped before many weeks elapsed he should receive it signed. If he were not disappointed in that expectation, he trusted that his Majesty's Government would succeed in putting down the slave trade under the flag of Portugal, in the same manner as it had already succeeded in putting that trade down which was carried on under the flag of France, and as they were now in the course of putting down that carried on under the flag of Spain. There then remained the flag of Brazil, which, in spite of the treaty upon the subject, was still in some degree applied to the purposes of the slave trade. The government of Brazil, however, had now signed two supplementary articles, containing the essential stipulations without which their former treaty had not been effectual for the purpose for which it was intended. These were what were called the equipment and the breaking-up articles, without which it was found that any treaty upon the subject of the slave trade was completely nugatory. If the British Government succeeded in obtaining the accession of these different governments to its views, it would have the satisfaction of knowing that it had united in one common cause, for the purpose of putting down the slave trade, almost all the maritime powers whose flags could be abused or prostituted to the purposes of that disgraceful and inhuman traffic.] But Government had gone still further; it had made propositions to the governments of Austria, Russia, and Prussia, which powers had not, hitherto, agreed to any treaties upon the subject. They had lately consented to treat upon it, conjointly with the governments of France and England; and before long he trusted we should obtain the sanction of those three great powers, in addition to those he had already mentioned. He said, therefore, that the question of slavery in the province of Texas was a small and comparatively insignificant branch of a much greater and more extensive question, and if Ministers succeeded, as he trusted they would, in carrying their objects and views into effect with respect to the general question, the House, he thought, might be pretty easy as to any encouragement to the slave trade in Texas. If, indeed, they should find, after all their treaties had been concluded, that there still continued to be an importation of slaves into that province, it would then undoubtedly be the will and inclination of the Government, as it would unquestionably be its duty, to take such immediate steps as the circumstances of the case should seem to require. and to endeavour, by every means in its power, to put an end to any abuse that might spring up in that quarter. Upon the political ground, he submitted it would be premature for the House to address the Crown to take any steps with reference to the war now carrying on in the province of Texas; and with regard to the slave-trade part of the question, he ventured to submit, that it was not necessary for the House to take any such step as that proposed by the present motion. If the House thought it an unnecessary step to address the Crown upon a point upon which the Crown and its advisers appeared already to be ready and willing to act, the adoption of a motion of this kind would, in fact, amount to a censure on the conduct of the Government, which he would be bold enough to say it did not merit, and which he did not believe it to be the intention of the hon. Mover to convey. Before he sat down he might state that it was his intention, before the expiration of the present Session, to submit to the consideration of the House a Bill immediately connected with one branch of the subject now under discussion, namely, the slave trade; and the statement he had just made would, he thought, sufficiently explain the necessity for him to do so. Of the different treaties of which he had spoken as being in a state of progress, he confidently hoped they should obtain the completion within a few weeks after the termination of the present Session of Parliament; but the House well knew that these treaties could not be carried into execution without the sanction of Parliamentary enactment. In order, therefore, to prevent the delay which must necessarily take place between this and the next Session of Parliament, he should be disposed, with the permission of the House, to bring in a short Bill of a limited duration, and by which the Crown should be empowered, by an order in Council, to give immediate effect to any treaties which it might conclude with foreign powers for the suppression of the slave trade, without waiting for a specific Bill to carry each into practical effect. If such an authority were given, it would save considerable time, and would enable the Crown more effectually and more speedily to carry the object of those treaties into effect.

Mr. *Fowell Buxton* expressed his belief that if the Americans should obtain possession of Texas, which had been truly described as forming one of the fairest parts of the world, a greater impulse would be given to the slave-trade than had been experienced for many years. If the British Government did not interfere to prevent the Texian territory from falling into the hands of American slave-holders, in all probability a greater traffic in slaves would be carried on during the next fifty years than had ever before existed. The war at present being waged in Texas, differed from any war which had ever been heard of. It was not a war for the extension of territory—It was not a war of aggression—it was not one undertaken for the advancement of national glory; it was a war which had for its sole object the obtaining of a market for slaves. He would not say, that the American Government connived at the proceedings which had taken place; but it was notorious that the Texians had been supplied with munitions of war of all sorts by the slave-holders of the United States. Without meaning to cast any censure upon the Government, he thought the House had a right to demand that the Secretary for Foreign Affairs do adopt strong measures to prevent the establishment of a new and more extensive market for the slave-trade than had ever before existed. The noble Lord ought immediately to open negotiations on this subject, not only with the Mexican, but with the United States Government, which latter had always professed to be anxious for the extinction of the slave-trade.

Mr. *Barlow Hoy* said, that after the statement made by the noble Lord, he should not feel it necessary to press his motion; but at the same time he must observe that unless some step were speedily taken to prevent it, there would be established in Texas a state, of which the governors would be man-retailers, and the main body of the population slaves.

Colonel *Thompson* thought, that the political importance of the subject had been a good deal lost sight of in the stress which was laid upon the question of the slave trade.

Dr. *Lushington* remarked, that so long as Texas remained a part of the Mexican empire, and as long as Great Britain did not acknowledge its independence, so long the Government of this country had a perfect right to enforce all the treaties at present binding on Mexico, against Texas. Supposing Texas to become independent, it would then be in the power of Great Britain to acknowledge its independence or not, at such a period and on such terms as to Great Britain might seem right and proper; and he apprehended that the Government of Great Britain would be slow, indeed, to recognise the independence of such a state, unless accompanied by a declaration that it would desist altogether from any encouragement or prosecution of the slave trade. If, on the other hand, the province of Texas should attach itself to the United States of North America, then, of course, it would immediately become subject to all the treaties which existed between this country and the Government of the United States for the prevention of the slave trade.

Dr. *Bowring* doubted whether the subsisting treaties between this country and the United States would be of sufficien force to put down the slave trade in Texas, supposing that province to attach itself to the federal union.

Motion withdrawn.

HALF-PAY OFFICERS.] On the question that the Speaker do now leave the Chair being again put,

Sir *Edward Codrington* rose, pursuant to a notice long standing upon the order paper, to move for a return of "all officers, of whatever rank, who have been deprived of their half-pay without their consent, or the investigation of a court martial, from the year 1790 up to the present period, with the alleged reasons for such deprivation: also a return of any persons whose half-pay has been restored to them subsequently to such deprivation, with the alleged reason for such restoration." He was induced to make this motion because, as the House knew, the subject, having been frequently brought under its notice, several instances of great hardship, in which officers of long service had been deprived of their half-pay without any alleged cause, or at least without any proper inquiry.

On the question being put,

Sir *Frederick Trench* objected to the

motion, both as a soldier and a Member of that House. Until another commonwealth was established in this country he hoped never to see the discipline of the army subject to Parliamentary control.

Mr. *Charles Wood* was decidedly opposed to such a motion, as it was calculated to injure the service materially. The Government had undeniably the power to dismiss officers on full pay by calling in the aid of a court-martial. Officers on half-pay could not be compelled to undergo the latter ordeal, but the power of dismissal remained the same. He would not consent to parade a list of all the cases and causes of dismissal for the last forty-six years; but he had no hesitation in stating that, as far as he knew, no officer on half-pay was ever dismissed, except for conduct unbecoming a gentleman and a soldier. If the hon. and gallant Member thought that any particular individual in the list of half-pay officers were really aggrieved, let him bring the case before the House, and he (Mr. Wood) would undertake to give him every information the nature of the case admitted of.

Sir *Samuel Whalley* thought that the hon. and gallant Officer would have done better if he had confined his motion to specific cases, especially as the hon. Gentleman (the Secretary for the Admiralty) had shown no disposition to deny proper and constitutional inquiry. He hoped, therefore, the hon. Member would not press his motion.

Motion negatived.

Female Emigration.] On the question being again put that the Speaker do now leave the Chair,

Mr. *Walter* said, that having recently troubled the House more than he liked, or was consistent with his general habits, he should not now have attempted to occupy its attention had it not been, that the matter which he had to communicate was of such importance, that the sooner it was made known before the Parliamentary recess the better. Soon after he last noticed the subject of female emigration to Australia, in which he had to contend alone with the Government and the hon. Gentlemen connected with the Emigration Committee, he received an intimation from an hon. Member of that House (the hon. Member for East Cumberland) that, had he been present, he could have corroborated his (Mr. Walter's) statements, by information which he had himself received.

The *Speaker*: If the hon. Member is about to show any reason why I should not leave the Chair, it is well; but I wish it to be understood no motion can now be made.

Mr. *Walter* resumed.—At the time when he was interrupted, he was about to state, that he had communicated with the hon. Member for East Cumberland who had informed him that he could confirm the statements which he (Mr. Walter) had made. That hon. Gentleman had since been good enough to supply him with the information in question; and he (Mr. Walter) hoped, that if the Government would not listen to it in that House, it would still reach the ears of those poor creatures, who, out of that House, might become the victims of a system of imposition leading to their ruin—

Mr. *Tooke* (interrupting the hon. Member) said, that he wished to ask the right hon. Gentleman in the Chair whether, on the question for leaving the Chair, it was open to any hon. Member to raise a discussion respecting a matter of which no notice had been given?

The *Speaker*: On the occasion of going into a Committee of Supply, the House is aware that generally more than usual latitude is allowed. But undoubtedly it is very important that the forms of the House which are so essential to the protection of the people of this country should not be so used otherwise than except for a real and solid purpose; and I really must put it to the consideration of the House whether the raising of a discussion under such circumstances be or be not an interference with the course of business.

Mr. *Walter* thought the House would agree with him that the matter was of very urgent importance. He would detain the House as shortly as possible. He would first read an extract from the letter, which would be authenticated by the hon. Member for East Cumberland. The whole account of the settlement to which he chiefly alluded, Van Dieman's Land, was as melancholy as could be conceived, and quite the opposite, he was sorry to say, of what the Emigration Committee had incautiously put forth. At present he would only speak of that most affecting subject, female emigration. The writer, whose letter was dated Hobart-town, October 26, 1835, says—" Oh! my dear Sir, if you knew one-half the misery and destitution that awaits the free females coming here, you would tell it where hearing would avail." He (Mr. Walter) wished the respectable writer were now in that House when he told of it, he would see how much the hearing of it availed. "Out of 268 who came out with me, I verily believe that there are not more than twenty who have any claim to a good name, being driven to the most wretched and loathsome debauchery; and, out of these twenty, I have been the only means of saving and placing many of the poor creatures. They have been glad to lie on my bare floors, and partake of such scanty food as I could spare from my large family. Here is neither credit nor pity for strangers. Whether the murder and extermination of the aborigines, or the exportation of defenceless females be more horrid to contemplate, is a question." Now, all this, (continued Mr. Walter) was independent of the accounts he had himself received and communicated to the House. But the public papers teemed with narratives of this dreadful kind, and censured the Emigration Committee in London for having put forth statements that the most satisfactory accounts of the emigrants had been received both from Sydney and Hobart-town. One good effect of his former motion on this subject had been, that the transportation of more females to Sydney was now stopped. The Committee had transmitted a formal notification to the Colonial-office to that effect, assigning the extreme immorality of the colony as the motive of their determination. Sydney, however, which was now to be abandoned, was, till very lately, the subject of as much praise as Van Dieman's Land; and a great number of females had been recently sent thither, notwithstanding the shocking account of its condition given last year by the chief criminal judge, who publicly stated that the commission of crime, and the punishment of it, seemed to be the main business of the colony. The Committee, however, still pressed the emigration of females to Van Dieman's Land, where, as they said, a very different state of society prevailed, and the entire state of the community was more moral and religious. He (Mr. Walter) utterly denied this statement. He must repeat, that it was only last year that the Committee declared their accounts from Sydney were as satisfactory as they now confessed them to be the reverse. With respect to Van Dieman's Land, the picture of that settlement was now fairly before the House. A shipload of the victims of these speculations was announced for sailing on the 22d of next month. Whether the charge of trafficking in human life and morals rested upon the Government, or the Committee, or both, was immaterial. Whatever their motives might be, it was very clear, from their own acknowledgment, that they had done much mischief. The Ladies' Committee at Van Dieman's Land entreated them to send out no more females under seventeen or eighteen years of age; and they complied with this injunction by directly advertising for girls of fifteen, spreading at the same time the most false accounts of the Elysian fields to which they were to be conveyed. A captain of an East-Indiaman, who was just returned to England, had told him that great numbers of these poor creatures had even got to Calcutta, where they infested the streets. Having said thus much, he should forbear animadverting further, in the hope that from this discussion the exportation of young females would be henceforward stopped.

Sir *G. Grey* said, that the occasion on which the hon. Member had chosen to make his statement on the question, namely, that the Speaker do leave the chair was so extremely inconvenient, that he should abstain from making a single observation on

The question again put that the Speaker do now leave the chair.

WAR IN SPAIN.] Mr. *Maclean*: I understand from those who are more versed than myself in the business of this House, that the most suitable time to bring forward questions of this description is on the moving of the Order of the Day for going into Committee of Supply, the more especially so when the subject itself has a direct reference to the manner in which the funds of the country are expended. I am, too, considerably strengthened in my position by the speech we have just heard from the hon. Member for Berkshire, which certainly did not appear to be very closely connected with the money transactions of the country. I rest my vindication of the course I am taking partly, therefore, upon this ground, and I shall persevere in my observations, although I am forbidden by the rules of the House to make any specific motion upon the subject. We have expended a large sum of money for which, as far as I can understand, there is no guarantee whatever in the hands of the Government. We have supplied considerable stores of arms and ammunition to Spain, and I shall be glad to know from the noble Lord, the Secretary of State for Foreign Affairs, whether any steps whatever have been taken by the Government to secure a reimbursement of our expenditure? The sum expended by us, as appeared by the returns laid upon the table of the House some months ago, amounted to 400,000*l.* or 500,000*l.*; since which, according to the accounts in the public papers, a considerable additional expenditure must have been incurred in arms and ammunition, independent of the increased naval force sent to the north of Spain to act as auxiliaries to Colonel Evans. My intention was to have submitted to the House a motion for a return of the number of men and marines now serving upon the coast of Spain, as well as the number of ships employed there, that we may know how far the treaty has been maintained or infringed in so doing, for the Government has thought proper to send out 600 or 700 marines in addition to those already on the station, who, although nominally attached to the Castor, have all of them been acting on shore, which, of course, must entail a greater expense upon this country than if they had continued on board the vessel to which they are attached afloat, or if they had remained in garrison, as they have hitherto been, at Portsmouth. Upon this ground alone, therefore, there is a grievance to be remedied to which I am justly entitled to call the attention of the House previous to going into a Committee of Finance. Since the period at which I submitted a motion to the House on this subject we have received much increased information relative to affairs in the northern parts of Spain, from which certainly it would appear that our intervention has exceeded the limits of the treaty, and has ended, too, in nothing but disappointment, both to this country and to the parties more immediately engaged in it. Let us for a moment look at the stipulations on it. The original object of the treaty I presume was to eject Don Carlos from Portugal. What are now called the additional articles, at that time had no existence. They were not added to the treaty until he had gone to Spain, and succeeded in taking up that, as it seems, impregnable position which has served him hitherto as a barrier, behind which he has been able to bid defiance to the united armies of England and Spain. We stipulated in the additional articles, when they were added, that ours should be simply a naval intervention and it seems to have entailed upon this country an expense of an almost unlimited nature, for where are the limits? We have increased our naval force on both sides of the Peninsula, and what at last is the object of this intervention? It is to prevent any supplies from reaching Don Carlos from the sea, on the supposition that but for our increased force he might make himself master of some of the ports on this side of the Peninsula—the king of France on his part guaranteeing to prevent the transit of stores or ammunition by the passes of the Pyrenees. Notwithstanding all this I believe it is beyond a doubt that Don Carlos has received supplies from that source. Now I put it to the House whether, having sent such a force as this, it is consistent with the terms of the treaty that they should be permitted to be used ashore, under the directions of General Evans, when they happen to be inoperative at sea? We might send out, if this is the case, under the name of naval assistance, every division of our marine force—the whole of the 10,000 men of that gallant corps might be nominally attached to a ten-gun brig and landed to be employed in defending the military entrenchments under the command of General Evans, or any other commanding officer of the Queen's troops, and the country might still be told that the men sent out in our steamboats were under the command of Lord John Hay, assisting as a naval force, while, in truth, they are landed on the coast, and placed as a military force, under the command of Lieut. Colonel Evans; and England might be told that we were still acting under the terms of the treaty. It may be said, that they are used strictly as a naval force; but it is well known that they were present both at St. Sebastian and at Fuentarabia, acting as an infantry corps; and what is to prevent their being used in the same manner in an attack upon Durango, or any other place in the interior of the country? Will the noble Lord say, that this is not a virtual infraction of the treaty, by which we are bound to succour the Queen of Spain by the intervention of a simple naval force? The Emperor of Russia and king of Prussia, together with the kings of Naples and Holland, have not made themselves parties to any such proceeding; they have not recognised the authority of Queen Isabella—they are not at war with Don Carlos. Is the King of Great Britain at war with him? The question has been several times put in this House, and it has never yet been answered. When the King of this country does go to war he should do it in the same manner his illustrious predecessors have done it, that is, by an open declaration of hostility. Now, in what position do we put Don Carlos? He is the chieftain of a large portion of the Spanish people, who are devoted to his person, and I suppose to his principles, reigning as he virtually does, not only in the mountains of Navarre and Biscay, in Alava and Guipuscoa, but now extending the influence of his cause to Catalonia, to Castile—nay, to the Asturias and Gallicia. Call him, if you please, at least, a mountain chieftain. you attack him without any declaration of war against him; and has he not a right, let me ask, therefore, to consider you as marauders on this his acknowledged territory? You talk of the blood-thirsty decree of Durango, and no one can be more indignant at such an atrocity than myself; no language can convey the execration I would pour on such a fiendish declaration as that was. But who set him the example? Who but the allies of his Majesty the King of Great Britain, a circumstance which of itself would form a sufficient excuse to his Majesty'sGovernment for withdrawing from the unfortunate treaty into which we had entered. It was meant to be acted on by men of honour. You might have said, with just indignation, "We entered into a treaty with you, which was meant to be observed in that spirit of good faith which belongs to a great nation, but not to be maintained by the assassins of Barcelona and the monsters who slew the mother of Cabrera. If you carry on your war on that atrocious principle we will dissolve the contract, we will adhere to it only as long as it is conducted as a war of principle, and according to the laws which are acknowledged by all civilized nations; we will not be the abettors of murder, or the panders to bloodshed." But, Sir, I was touching on a point relative to Russia and Prussia. They are not at war with the mountain chief but the queen of Spain is. We are, as it has been said before, *quasi* belligerents, we are *quasi* at war—but not according to the usual principle of belligerents. What is the meaning of all this mystery? Are we prepared, as allies of the Queen of Spain, to tell Austria, Russia, and Holland, that they shall not trade with those ports which may be in the hands of Don Carlos? Because, if we are not, in what position shall we be placed? Our vessels which are sent to prevent supplies from reaching Don Carlos will be inefficient for the purpose unless we are prepared to make a declaration of war against those Powers, in case they attempt to enter into commercial relations with Don Carlos. They have a right to enter into communication with the insurgents if you like to call them so; and what will be the conduct of Great Britain under these circumstances? Suppose during the contest, which I believe to be unrivalled since the sanguinary but not more murderous contest of the Theban Brothers—suppose the continental Powers who have not signed the treaty were to acknowledge Don Carlos, what line of policy is the noble Lord prepared to pursue? Every difficulty which may arise would have been avoided if we had never affixed the seal of Britain to the unfortunate document I have mentioned. Had we not intervened in this fiery struggle until we were called upon to do so by a position of affairs disgraceful to humanity we might then have justified our interposition by a plea that would have been met by the applauses of civilized Europe. I remember on a former occasion I listened with great attention to the speech made by the noble Lord, fraught with the courtesy and generous and gentlemanlike urbanity which is the characteristic of the noble Lord. He said we had interfered with Greece and Belgium, and he asked us to contemplate the blessings we had poured on those countries. Is he satisfied, let me ask, with those we have showered upon Greece? Have we not had a nation recently before us which exhibited the bankrupt nature of its financial position? Are we content with the mode in which they have husbanded their pecuniary resources? I will not enter into the question of Belgium, nor the feelings I entertain of the efforts of the great Powers to stop the effusion of human blood. We stopped the murderous career of Mahomet Ali. I do not mean to say that your subsequent negotiations may not at any time ruin your previously sagacious and praiseworthy efforts. But look to the force of the Carlists; are they now an obscure body of soldiers—a mere band of mountain insurgents? Do you not acknowledge that those whom you styled formerly barbarous hordes, however ignorant of the technical rules of war, on most occasions have fought like men who bled for freedom, and with such constancy as you might have expected from trained and disciplined soldiers, so much so that you acknowledge that had it not been for that opportune arrival of the Salamander and Phœnix, the Carlists would have driven in disaster and disgrace the auxiliaries into the sea. You have given them credit for per sonal bravery; you have deemed them worthy of consideration by the evidence you yourselves have given of the efficiency of the attack, and the credit you claim from it. General Evans himself endeavoured to animate his own troops by the example of the enemy. Now, Sir, one word upon the *reconnoissance en force* which we have heard so much before Fuentarabia. I own I know little of these military manœuvres; but this at least seems evident, that if it was a *reconnoissance en force* it was likewise a retreat *en force*. Of that there is no dispute on any side. Assuredly too it was a very close examination of the place with, I imagine, the intention of taking it if possible. The General evinced great anxiety to make himself master of the town, and, not having done so, I must own is entitled to the credit of retreating in very soldier-like order—with the sacrifice of some portion, it is true, of his men and his provisions. But why were we kept in a state of darkness as to whether his Majesty lost any of his troops in this affair? We are told that his majesty's marines retreated, and that the flag which had hitherto waved so proudly *per mare per terram*, and which had hitherto struck terror into the ranks of the adversary, was withdrawn from the field in conjunction with his Majesty's Allies. I have received a communication from Behobia, in which the writer, a man of undoubted veracity and character, says, that he was a witness of that scene, in conjunction with the French officers from Bayonne; and he states, in emphatic language, that it nearly broke his heart to listen to the jeers with which that retreat was accompanied by those spectators. I regret to see that smile on the face of a gallant Member opposite. He, doubtless, knows from experience the rapture of victory—doubtless, he has never known the pain of defeat. Now, what, in truth, has been the effect of this intervention? We have poured out our blood and treasure—have they strengthened the cause of the Queen? Has it not rather exhibited the real weakness of her position. Have we not within these few days been informed that the advances of the Carlists have been so rapid as even to disquiet the solitudes of La Granja? What are you prepared to do? Will you send more marines? Are they to act at a distance from the coast? If so, where is the virtue of your treaty? Now let me allude to an order recently issued by General Evans, relating to the application of the punishment of death to British subjects. There are several versions of that document. But what right is there vested in General Evans to affix the penalty of death to any individual serving with Don Carlos? The Act of Parliament (the Foreign Enlistment Act) makes it a misdemeanour. General Evans makes it a capital offence—death, forsooth, may, if he pleases, be the penalty he chooses to dispense to those taken in arms; but will he follow the atrocious example he so strongly deprecates in others? Will he seize the sword of vengeance to perpetrate a deed of massacre on his fellow-countrymen in arms? Surely there should have been some communication from the Government of this country to that General, showing him that in this country we understand no such principle as he has promulgated. But, Sir, he will not shed their blood—he will not doom himself to share in the execration which has attended the atrocities of the Carlists. No doubt the order did attract the attention of his Majesty's Government, and had I been permitted to make any motion I should have moved for the correspondence on that subject. If we refer to the history of the country, how stands the claim of Don Carlos? As the law originally stood, I own that the Queen might have succeeded to the throne; that was altered to the Salic Law, which has been from that period the rule of the monarchy. Ferdinand repealed that law on the persuasion of one who seldom pleaded in vain, the fair and fond partner of his throne. But is there not, on the face of the transaction, something that is unfair to Don Carlos? He conducted himself at Madrid as a faithful subject of his brother. He entered into no intrigue. He withdrew to Portugal. It is true he claims the throne as the legitimate successor of the Bourbons, and he came into Biscay saying—"I am here not only as your monarch, but as the vindicator of those invaluable and constitutional rights of which you are robbed by the decrees of the Queen's government." They combat, then, under such a leader with the fervour of men who have dear-born rights to vindicate of their own, as well as the hereditary privileges of the king that they adore. Do you expect to drive him from his mountain fastnesses by your war vessels and your marines? As an effective force it is ridiculous—but, as it affects the moral greatness of this country, it is, I fear, of no mean magnitude. You will combat without effect—you may be forced at last to withdraw with dishonour. I say such an intervention is not called for by the treaty—it is undertaken, under such an aspect of affairs, as induces me to believe that it is fraught with ultimate disaster. I wish the noble Lord would indeed pacify the Peninsula. Did we consult the Greeks or the Turks when we thought proper to stop the mad indulgence of their envenomed passions? You intervened at Navarino. You told the king of Holland that the voice of England should be heard. You admitted at last of no argument. You had indulged in protocols, indeed—but at last you spoke as became Great Britain. Are you doing so now? If you are sincere in your wish to tranquillise that unhappy land, why do you not endeavour to act in unison with those powers who will willingly, perhaps, extend "in fœdera dextras." You have placed yourselves in a false position with those nations. Should they choose to intervene on the side of Carlos, and you act with the spirit of Britons, the issue of the contest may be most disastrous to the welfare of this country. But by perpetuating such a contest as this you will prove yourselves a curse when you might have been a blessing to that afflicted country. Do not allow them an opportunity of robbing us of the glory which is consecrated on that soil by the childish display of force which is only calculated to exasperate those who are strong, or to exhibit in more painful colours the weakness of the feeble. We were told Mendizabal was to prove the miracle of prosperity; he was to turn the Pactolus of Spain into the royal treasury: the troops were to be paid by the money of those who declined to be belligerents; an army of one hundred thousand men was to be raised, two-thirds of whom were to be an army of reserve. Where is it? where is the boasted repletion of the treasury? Those who did not join the conscription were to be personified by a pecuniary representation quite as agreeable perhaps in all probability as the corporal presence. But Mendizabal has vanished—the same breath that made him has unmade him, and the same intrigue of the Camarilla which raised him to that eminence laid his greatness prostrate by its influence. Matters are more desperate at Madrid than ever. But if Don Carlos come to the throne where will be your loans—where will be your security for the advances you have made under the treaty? Surely those persons, not only at home but abroad, who have embarked their money in the advances of those wars have a strong claim on your attention. If the noble Lord will make advances to the powers of Europe he may then pursue a course which will throw the protection of their influence and our own over those important transactions. Let the noble Lord make an effort. If Don Carlos proceeds as he has hitherto done, he may reach Madrid. How then, do you imagine, will he treat those who have supplied the instruments of war to those who were the enemies of his throne, although it may be said, in truth, that, in administering those weapons to his foes, we have in reality armed his followers—for it is notorious that the muskets of Carlism bear the satisfactory indication of British manufacture? You have streagthened his arm, and you have encumbered his enemies, your allies, by your assistance. This is all done, too, for a liberal government—a government which does not hesitate to transport your unoffending subjects in the dead of the night, without appeal, without an hearing, or a reason, to the frontiers of their country, because, forsooth, they use the privilege of Englishmen, and are imprudent enough to speak the truth of what they have witnessed in the capital. The government is a liberal government—the queen is a liberal sovereign—the ministers are paragons of liberality; yet such is their conduct to the subjects of their ally, the King of Great Britain. I again beg to say, that I hope I may rest my vindication for the step I have taken on the grounds I have previously advanced. We lavish half a million on an enterprise in which we have no interest that could induce us to exhibit such a careless profusion. We refuse to make concession to the difficulties of our domestic financial condition. I know the noble Lord will deem this discussion worthy of his deep attention. I am sure he will give me credit for having brought it forward conscientiously; and I hope nothing has escaped me, even in the warmth of the investigations that can produce a moment's pain to a single individual who is interested in this contest. I have given, I hope, the praise that is due to those who have fought in defence of the principles they may sincerely entertain. I have not detracted from the merit of those who have exhibited their readiness to lay down their lives for the King and the liberties they love, and have bled with a consistency and an undaunted firmness worthy of the name of Spaniards, whose early days are hallowed by the remembrance of great and glorious achievements.

Mr. *Poulter* said, that the quadruple treaty was entered into for the attainment of great national interests; it contemplated the complete pacification of all the kingdoms of the Peninsula, and to have stopped at anything short of that, would not have been carrying it fairly into effect. As to the complaints that have been made by the hon. and learned Gentleman with regard to the Castor having had too large a complement of marines, really I never heard any thing so preposterous: I have heard complaints of too small complements, but never yet did I hear it gravely objected, that a ship of war had too many marines belonging to her. I hope the House will support the Government in acting up to the treaty, and in doing every thing they can, to establish that which is in truth the main principle on which it was founded,—namely securing to the Queens of Spain and Portugal the peaceful enjoyment of their constitutional rights. When the hon. and learned Gentleman asks whether we are at war with Don Carlos?—I ask in reply, How can we be at war with Don Carlos? Do we recognise any such sovereign in Europe as Don Carlos? Do we not rather look upon him as an invader of the kingdom of Spain? The hon. and learned Gentleman referred in strong terms to the proclamation lately issued by General Evans. I think it was quite right and perfectly constitutional in that officer to represent to any Englishmen in the service of Don Carlos, that they were violating the law of treason in serving that person. I am not for applying, in such cases, the strict penalties of treason; but I do say this, it is a principle well known and unversally acknowledged, "*nemo potest exuere patriam;*" and if an Englishman, having engaged in the service of Don Carlos, should put to death any of the troops in the service of the King of England, or of his allies, he does come under the law of treason, and is liable to the penalties affixed to that crime. General Evans does not pretend to enforce this law himself; his proclamation is in the nature of an advice, caution, or admonition to Englishmen in the service of Don Carlos, representing the danger they are in of incurring the penalties of treason to King William 4th if taken in arms against his subjects or allies. I repeat, I am one of the last who would desire to see the strict law of treason put in force, in these cases particularly, in a case so peculiar as that of Spain—a country in which as all who adhere to Don Carlos are accounted traitors to the Queen, and the adherents to the Queen are considered guilty of treason to Don Carlos, there must be a nation of traitors, for, of course, civilians are subject to the same law; and where there is a nation of traitors there can be no treason, for in its very nature, treason is an exception. We had, in 1815, many lamentable instances of misapplication of the law of treason; upon the accession of Louis 18th, military executions took place under that law, which threw a shade (if any thing could) upon the glorious achievements of that period. What did hon. Gentlemen opposite say to the atrocious, bloodthirsty murders that were perpetrated on the side of Don Carlos? Was there ever anything more abominable than the slaughters of Cabrera? Can you shew me anything equal in atrocity to the putting to death, by slow torture, English soldiers, taken in arms against Don Carlos? I defy you to find me any one case in the list of cruel and cold-blooded deeds committed on the Queen's side, which will equal that. Let me have permission to pass some compliments upon General Evans, after what has been said upon the opposite side of the House against him. I look upon the action in the neighbourhood of Hernani as one which will bear comparison with any that have taken place in Spain, since the Duke of Wellington quitted her shores. It presented a display of the characteristic bravery of British troops, not surpassed, I venture to say, since the glorious achievements of our army in the Peninsular war. It will do honour to this country, even if (as I do not believe will be the case) the cause of the Queen should eventually fail. Even the hon. and learned Gentleman opposite did justice to the Legion in this instance; but he did no more justice to it than was done by a foreigner—a gallant officer of the French army, Count Harispe, commanding upon the frontiers, who wrote a letter to General Evans congratulating him upon the glory which he and his companions in arms had won by the action of Hernani. The want of success to the Queen's army, of which the hon. and learned Gentleman spoke, I ascribe mainly to the disgraceful misconduct of Cordova. That General is the first military commander who does not wish for victory. In the full tide of success he leaves his army exposed to the attack of its vindictive enemies, the small and reduced British Legion hastens to Madrid, and there consumes the precious moments in miserable trickery of political intrigues and cabals. Never was there more disgraceful, dishonourable conduct. But the hon. and learned Gentleman, when commenting upon the ill success attending the Queen's forces, ascribed it to the splendid victories or brilliant exploits of Don Carlos's troops, and he entirely left out of sight the disgraceful conduct of Cordova, to which, in my opinion, it is mainly to be traced, and I should be very glad to hear of his dismissal. Sir, I look upon the despotism which has long prevailed in Spain as the cause of all the defects in the Spanish character, and I sincerely hope, that when constitutional liberty is established, a new order of men will arise in that country. Until that happy period arrives, I, for one, will join in the sentiment so nobly expressed by the hon. and gallant Member for Windsor (Sir John Elley) upon a former occasion,—"Wherever Englishmen were, there shall be my heart, my wishes!" That was a noble, a truly patriotic declaration—worthy of the brave and distinguished officer from whom it fell. What a contrast does it afford—not, I am happy to say, to any sentiments expressed by the hon. and learned Member for Oxford, for he has spoken, at least, with respect of the British Legion—but to certain publications, the authors of which seem to wish nothing more ardently than its utter annihilation! I hope the Government will be supported by this House in the line of conduct they have hitherto pursued. I hope that they will be enabled to do everything necessary to maintain the real principle of the treaty, and to take a decided part, not—I agree with the hon. and learned Gentleman—not going beyond, but in strict conformity with, the treaty, in effecting the complete pacification of the Peninsula.

Dr. *Bowring* said, that the hon. Member for Shaftesbury had not touched the cause of the evil. It was not that Cordova was treacherous—it was not that Carlism was feeble—it was, that the Spanish government had not the affections of the Spanish people. Let the history be reviewed since the death of Ferdinand. The first minister Zea, like every other minister that followed him, came too late for the wants of the country. He wanted to supersede a barbarous by an enlightened despotism; but no despotism was then possible in Spain—so he fell, as he deserved to fall. He was succeeded by Burgos—another clock behindhand. Burgos wanted to introduce a French centralization—a policy to which all the habits, all the associations, all the recollections of Spain are opposed. Spain is not a country of national, but merely of provincial feelings; Catalonia has nothing in common with Galicia, nor Andalusia with Biscay; Madrid has no influence with the capitals of other provinces except by recognizing their local habits; and Burgos hated the press, and fell, as he deserved to fall. Then came Martinez de la Rosa with his remedies—always too late, always insufficient, and inadequate. Next came Toreno, a little more liberal than Martinez, but he, like his predecessor, was frightened at the idea of giving to public opinion a representation—but that public opinion, without a representation, hurled him from his seat. Mendizabal's fate was the same; he had a great and a pure name—and what was his conduct? He followed in the same backward course as the rest; and, instead of seeking the support of a nation, asked for a vote of confidence—a miserable screen for weakness. And now comes Isturitz—and it is the same story, the liberty of the press, and the liberty of the subject not secured—no local government—no really popular elections. Now, how can the House wonder that the insurrection is not subdued? The insurrection can be put down by nothing but liberal institutions. The constitution of 1812 was quietly making its way—producing peace and happiness, when that most atrocious of modern political iniquities, the invasion of Spain by the French Bourbons, overthrew the hopes of liberal Spaniards and of the enlightened portion of mankind. He had seen that constitution in operation, and the influence of that constitution, the recollection of its results, was still deep in the hearts of Spaniards. That constitution had covered the country with schools; it had introduced education into the villages—it had improved the towns—it had established a hundred newspapers—it was based on universal suffrage—it had shed no blood. There were only two principles at work in Spain which had in them stability or power. There was liberalism on one side and despotism on the other. What had been the policy of all the fleeting Governments which had succeeded one another? What but to establish a *juste milieu*, which should not be purely despotic nor honestly liberal. That policy must fail, and until the course of the Spanish government were the bold advocacy of a popular cause, it would not obtain, and deserved not to obtain, the support of the Spanish people.

Mr. *Thomas Attwood* did not believe that Cordova would be able to crush the Carlists. He believed that if General Evans had been at the head of 20,000 good English troops, well paid and provided, he would long ago have crushed them. But it was in Spain as it was in that House. He feared the Whigs were not very sincere in their love of liberty, and so "we poor Radicals," said the hon. Member, "when we propose any measures of real and substantial reform, are beaten by the united forces of Whigs and Tories. So in Spain, the forces of Don Carlos and the Queen combine in defeating any attempt to introduce a liberal constitution in Spain;" and he (Mr. Attwood) agreed with the hon. and learned Doctor, the Member for Kilmarnock, that Spain would never be tranquillised till a free constitution was set up upon the basis of representing the great mass of the people. As the country was now situated, it would not do for the Queen's Government to put down the Carlists altogether, they were necessary to keep the liberal party in check: and therefore the Queen's generals received secret orders not to crush them entirely. In such a state of things, with treachery in the camp, and intrigue at the Council Board, it was impossible that General Evans should succeed. The Governments of Spain were the bitterest enemies of liberty; and till liberty was established upon a secure foundation, Spain never would be pacified.

Mr. *Grove Price* was most anxious that this question should be brought on before the prorogation of Parliament. It was one of the highest importance to the people of England. He was taunted before with want of information on the affairs of Spain. He had, however, read her history most attentively, and diligently watched all the proceedings since 1812. No man felt more anxious that the elements of a free Government should be found to exist there. That, however, was not the case. The clergy did not desire a free Government, and the gentry were attached to their ancient institutions. Spain, in fact, possessed no elements of a constitutional Government. They could not be forced at once upon a people—they must grow up by slow degrees. It was impossible for him to forget the 24th of June last, when they were told by the noble Lord (Palmerston) that Spain, with the exception of one province, was quiet, and devoted to the Queen. The noble Lord did not understand the character of the people of Spain when he signed the Quadruple Treaty, or he never would have signed it. It was said, the people of the Basque provinces rose in rebellion because they were deprived of their ancient privileges. Before ever those privileges were taken away there were 50,000 men in arms who opposed the Government, the moment they heard that Don Carlos was excluded from the Throne. They were attached to their clergy; the principle of loyalty was strong in their bosoms. Their feelings were powerfully excited by the outrages committed upon the clergy in 1820; and when they heard that Don Carlos was expelled the Throne they exclaimed, in a spirit of loyalty, like the Hungarians in the time of Maria Theresa, "*Moriamur pro Rege nostro Maria Theresa.*" He thanked God that all the provinces of Spain were now ripe for insurrection in the cause of Don Carlos. Cabrera was active and enterprising, and while he must express horror at some of his acts, still it was but justice to say, that they were provoked by still more horrible atrocities. Gomez had traversed the Asturias unmolested and unopposed, and was now on his way to Gallicia, not meeting interruption from the people. So much for the general opposition throughout Spain to the cause of Don Carlos. There was no such thing as a democracy in Spain. A few demagogues persuaded the fools and dupes of the country, that they encouraged liberty, when in reality they were only usurping it, and seeking by its means their own ends. But how were their ends to be achieved? The Queen's army was unpaid; her civil servants were unpaid; and for the last four months not a dollar had been forthcoming to them. Cordova could not advance, because his army was in such a state as to be incapable of undertaking a mountain campaign. Half of his troops, moreover were Carlists, and ready for insurrection at a moment's warning. He was charged with treachery; but he had no means of acting. He could not put an end to the war, because he found it was impossible to advance into the mountains. It was not possible to look at Spain as it now stood and not say, that the interference of England in its domestic concerns had by no means added anything to the national character of the country. England—or the Government rather—had not pursued a bold, manly, straightforward line, nay, it had not even acted with masculine vice. They had sought to settle matters by the force of moral influence, but that of this country had sunk so low since the noble Lord opposite came into office as not to be of any avail. Since the noble Lord had held the reins of power as Foreign Minister of the Crown the character and reputation of this country had gone down with foreign States to an immeasurable extent. To destroy the national power of Spain in the person of Don Carlos was impossible; it was vain to attempt it. And when he (Mr. G. Price) saw the treasure of this country wasted, and its honour spoiled in the effort, he could only thank God that he had no hand in it.

Viscount *Palmerston* began by observing, that the determination of the Spanish Carlists, as described by the hon. Gentleman who spoke last, certainly bore no resemblance to the course of debate which had been pursued that night; for whilst it was stated by the hon. Member for Sandwich, that the Carlists were going direct to Valencia, he had wandered into the utmost diversity of topics, and touched not merely on those connected with Spain, but had travelled back into the affairs of Greece. We, continued the noble Lord, are like the Spanish Government, for in the words of the hon. Gentleman, "our treasures are empty, and we are anxious for supplies." My right hon. Friend near me (the Chancellor of the Exchequer) is like the state of Gallicia, as its inhabitants have been represented by the hon. Gentleman, "quite steady, but ready to rise." If he were to consult his own convenience, and perhaps the wish of the House, he should have declined to enter into any discussion of the matters which had been introduced, but since he knew that the anxiety of the hon. and learned Gentleman who began this debate was not altogether without foundation, as his presence would be required elsewhere within a very short period, and as this was the last opportunity which he might have, consistently with his duty to his English clients, of saying any thing in favour of his Carlist clients, he (Lord Palmerston) felt, that it was not fitting in him to allow the observations of the hon. Gentleman, and those of the hon. Member for Sandwich, to go altogether unanswered. The hon. Gentleman who began the debate contended, that the Government of this country had not adhered to the stipulations of the Quadruple Treaty, for our marines had been suffered to serve ashore; and that our assistance had been carried beyond the limits within which we had been bound to confine it. It was also contended by the hon. Gentleman, that that Quadruple Treaty did not contemplate the expulsion of Don Carlos from Spain, but simply his removal from Portugal. He denied altogether the correctness of the interpretation given to that treaty by the hon. Gentleman. It was well known that the principle laid down by the parties to that treaty, was the pacification of the Peninsula, according to the purposes on which they had agreed. At the time of that contract, Don Carlos was in Portugal, and, therefore, their proceedings applied to the objects which were immediately to be accomplished, and they accordingly limited the steps which they thought it necessary to take to the expulsion of Don Carlos from Portugal. But afterwards, when he came into the northern provinces of Spain, it was only in accordance with the principles of the treaty that orther articles should be inserted in it to meet the altered position of circumstances. It was evident that this agreement could not have been made at the time that the treaty was originally entered into, but it was in accordance with the principles of the treaty, and had for its object to carry the principles of that treaty into effect, in accordance with the altered circumstances which then arose. Now what was the nature of our engagement? Our engagement was to supply the Spanish Government with arms, men, and, if necessary, to assist it with a naval force. Well, then, with regard to the supply of arms, that stipulation had been acted upon not only by the present Administration, but by that which had preceded the present Administration, and it was during the period that the latter held office that a communication took place between the Governments of England and Spain, by which Spain bound itself to repay whatever arms were sent her, and the English Government on the other hand agreed to postpone the demand until the finances of Spain would better enable her to meet it. The assistance, therefore, which England afforded to Spain, was not money but money's worth—principally consisting of arms and stores, which we had in our magazines. And, although, undoubtedly, it was such as to call for repayment, still it was not of that description which would justify the remark of the hon. Gentleman opposite that in consequence of this assistance the people of this country were not relieved from a large amount of taxation which the Government was now unable to forego. With respect to the charge made by the hon. Gentleman of suffering the marines to enter into a contest on the land, he thought that the hon. Member had himself furnished the best refutation to the accusation which he had made by mentioning that the motto which distinguished that force was "*per mare et terram.*" He thought it right, however, to state that these marines were under the exclusive command of Lord John Hay, and were not subject to any orders of a general in the Spanish service. The hon. Gentleman had said, that he wished to know whether we were at peace or war. That question had been already asked on several occasions, and he felt so strongly that those who asked it seemed perfectly well able to answer it themselves, that he should leave it to pass without any observation but that his silence might be supposed to give currency to an unfounded insinuation. All those who were conversant with international law could easily perceive, that the Government of England were auxiliaries, but not principals, in the cause of the Queen of Spain. Don Carlos was in open rebellion against the Government of Spain, which was not only sanctioned by the sovereigns which have filled the throne of that country, but also by the mass of its inhabitants, being thus doubly entitled to respect and subordination. Don Carlos, too, on seeking to obtain the Crown, had (whatever good qualities might belong to his private character) carried civil war throughout the country, and spread fire, sword, and murder, by wholesale into the bosom of the country, and disturbed the peace and tranquillity of that nation of which he called himself the father. Well, then, our position was in perfect accordance with the principles of the law of nations as laid down by all writers on the subject, when, under the treaty, we took the part of auxiliaries without entering into a state of war. But the hon. Gentleman asked, if other governments took their share in the affairs of Spain that the English Government had done, what would have been the result? Why, it was a well known principle in international law that two powers might take different sides with respect to another country, without being necessarily brought to engage in a state of war. But let it not for a moment be conceived, from anything that fell—he would not say from the hon. Gentleman—but from anything that transpired in the course of that debate, and that happened by accident to be heard of elsewhere—let not, he repeated, any one be so deluded as to suppose that because this country was not a belligerent power, and therefore not entitled to the rights of a belligerent, that ships for the purpose of carrying supplies to Don Carlos would not be obstructed, because he could assure him that there were ships belonging to the Queen of Spain perfectly competent to intercept any supplies. It had been said, that the Durango decree which had taken place subsequent to the Eliot convention was caused by the conduct of the English Government. But the fact was, that the decree to which he alluded was in direct violation of the Eliot convention, and fully deserving the censure with which the hon. Gentleman opposite had stigmatised it, in language which was most becoming to him as a member of a free State. The hon. Gentleman here made some general observations on the order issued by General Evans, which showed that the hon. Gentleman had not read the order, or if he had, that he had not sufficiently attended to the meaning of the wording of it. In the first place it must be observed, that the order being one issued under the Spanish Government, the English Government was not responsible for it. That order stated, that British subjects found serving Don Carlos would, in his opinion, be guilty of treason, and would, in his opinion, be liable to the punishment of treason, as prescribed by the laws of the country. Now, he was not so much of a lawyer as to say what was the precise offence of which British subjects so situated were guilty. He thought, however, that no body would contend that when the King of England was by treaty allied with the Queen of Spain, it was fitting that Don Carlos should have amongst his adherents British subjects, and that this country should be said to have thereby adhered to its true and obvious engagement. The very mention of appealing to English law showed that General Evans did not contemplate doing anything with reference to those persons to whom his remarks applied in Spain. Indeed, the enacting part of the order, after talking of treason of English laws, resolved itself into this, that no verbal communication should take place between his picquets and the soldiers who had deserted from the British legion to Don Carlos. So that, after all, General Evans's order amounted to this, that it was expedient to prevent his men deserting, by not allowing them to speak with those engaged in the opposite cause. The hon. Gentleman had adverted in light terms to the affair of Fontarabia. He would not discuss the merits of that movement; but he would say, that if all the Queen of Spain's Generals had shown the same vigour, the same conduct, and the same prudence as General Evans on that occasion, the success of Don Carlos would not seem so certain as hon. Members on the other side would wish to make it. Having disposed of the hon. and learned Member's observations, he should next turn to those of the hon. Member for Sandwich. The argument of that hon. Member he could not, he confessed, understand. That hon. Member contended that such was the debased condition of Spain, that no hope ought to be entertained of her being able to obtain a free constitution. He must however say, that it was extremely desirable to have a free government in Spain, and the hon. Gentleman had not satisfied him that these were not the elements for effecting such an object. If the hon. Gentleman's argument were a sound one, it would go to establish the principle, that the more degraded and wretched a people were in consequence of bad government, the stronger was the necessity of making no effort whatever of raising them from their appalling state. The doctrine of the hon. Member—if he might be permitted to say so—was a revolutionary principle, for by it there was no alternative to a state of hopeless degradation, but violent convulsions and bloody revolutions. His opinion was, that the course adopted by England with respect to Spain was consistent with duty and sound policy. He held the alteration in the succession of the throne of Spain to be rendered perfectly legitimate, and to be sanctioned not only by Ferdinand, but by his predecessor and the Cortes, and afterwards adopted by the Spanish nation assembled under the regency. Well, was it, then, consistent with the interest of England, that this country should pursue the course which it had adopted with regard to Spain? This country had no hand in bringing about the present situation of the Spanish crown. It had not prescribed or dictated any sovereign to Spain, but had supported, so far as was consistent with its interest, the sovereign chosen by the Spanish nation. It would have been inconsistent with the true principles of the British constitution, and repugnant to the best practice of the English Government, for this country to have denied the validity of the change which had taken place, sanctioned as it was by all the constitutional organs of the Spanish nation. We had taken the only course which was consistent with our interests; and he did not think that in persevering in it we had exceeded the limits prescribed by the terms and spirit of the contract on which we had acted. Now, with respect to the assertion, that the moral influence of England had declined since he came into office, he thought it rather inconsistent with the host of assailants, which their policy had called up with regard to Belgium, Portugal, and Spain, that the power of England had, through the instrumentality of the present Government sunk to the lowest degree of insignificance. It was rather surprising, that the Government which the hon. Gentleman represented to be in so unfortunate a position should obtain so much countenance and respect from foreign countries, as to be made the arbiter of their disputes; and when we found two great naval Powers like France and America, each of them in former times opposed to us in war, and each of them supposed to be our rival in the arts of peace as well as in the pursuits of war, when we found them conceding to us the adjustment of their differences, he thought he might appeal with confidence to the single fact, in reply to the statement of the hon. Member for Sandwich, and say, that whatever was the estimate formed of them by the hon. Gentleman, or those with whom he communicated, France and America at least did not seem persuaded, that their "moral influence" had sunk to so low a state as the hon. Geentleman would have it believed. Without pretending to any military experience, he felt great confidence that, through that dispensation by which human affairs are governed, the cause of the Queen of Spain must eventually prosper. He could not bring himself to think, that a cause so sullied by cruelty and crimes as that of Don Carlos, whose object was to establish a despotism in Spain, and snatch from his unhappy country all prospect of improvement—he could not, he repeated, bring himself to believe, that it could ever enter into the arrangement of human affairs, under that supreme dispensation, to prosper under such a cause as this. He took up this view upon the same grounds, that when Don Pedro had no place whereon to rest his foot, save the ruins of Oporto, he had predicted, that by some means or other, his cause and that of the young queen, his daughter, must eventually triumph. That prediction had proved well-founded, and he now, with equal confidence, entertained a similar event in the case of the Queen of Spain.

The House went into a Committee of Supply, and voted part of the Miscellaneous Estimates.

HOUSE OF LORDS,

Monday, August 8, 1836.

MINUTES.] Bills. Read a third time:—St. Clement's Oxford Marriages' Validity; Grand Juries (Ireland); Poor Rates; Ecclesiastical Leases Act Amendment.—Read a second time:—Common Fields Inclosure; Customs; Owners of Vessels Liability (Ireland).—Read a first time: Ecclesiastical Benefices (Ireland); Registration of Voters; —Ecclesiastical Appointments Suspension; Common Law Courts; Post Office Commissioners; Spirits Excise; Church Temporalities (Ireland).

Petitions presented. By Lord STRAFFORD, from Ardee, for repeal of Stamp Duty on Newspapers.—By Lord ELLENBOROUGH, from Bristol, Clifton, for the Insertion of a Clause in the Common Fields Inclosure Bill against the Inclosure of Durdam Downs.—By Lord REDESDALE, from Helston, against Stannaries Bill.—By the Duke of WELLINGON, from the Licensed Victuallers, Macclesfield, against Inns and Ale-houses Bill.—By the Marquess of WESTMEATH, from Crickowell, for the Clause of the Established Church Bill for the Religious Instruction of the Welsh in their native tongue.—By Viscount MELBOURNE, from Denbigh and Kingston-upon-Hull, for Charitable Trustees Bill.

STAMP DUTIES.—NEWSPAPERS.] Viscount *Melbourne*, in moving that the House resolve itself into Committee on the Stamp Duties Bill, said, I beg to call your Lordships' attention very shortly to the principles and the objects as well as the causes and reasons from which a necessity for such a measure as that to which I refer has arisen, and to the great importance that exists of not throwing any hindrance or impediment in the way of its passing into a law. The object of this Bill is to reduce the duty on newspapers. The duty on newspapers is 4*d*., with a discount of twenty per cent., which reduces the duty in fact to 3*d*. and one-fifth. That duty it is intended to reduce to one penny. On the present amount of the stamp-duty, which yielded a revenue of 450,000*l*., the loss, if the calculation was made on the present sale of stamps, would be 300,000*l*.; but as it is naturally calculated that there will be a very considerable increase in the number of stamps, that will very considerably reduce the loss to the revenue, which will be still further reduced by the additional duty which will accrue from the increased consumption of paper used for printing newspapers. These are the circumstances attending this change with regard to the revenue of the country; but I am sure your Lordships will feel that there are other circumstances connected with it—when we consider the nature of the press of this country, the power which it possesses, and the influence and effect which it has on the morals, temper, feelings, and character of the people—I am satisfied, I say, that when your Lordships reflect on the subject you will see that there are many other considerations involved in it far more important than its pecuniary and financial relations, though, undoubtedly, these are not to be laid out of view. The object of this measure is, in the first place, to take off the heavy burthen on the public press of this country, and to facilitate the general dissemination of knowledge—to facilitate the speedy transmission of accurate intelligence, and, in short, to afford every sort of advantage to that liberty of the press against which I have not known any one, for many years past, venture to raise his voice either in this or in the other House of Parliament. But your Lordships need not be told that one of the evils of the present system is the existence of a contraband trade in newspapers, and that publications of this nature have been carried on for many years past, as those are facts to which the attention of your Lordships has already been called. Your Lordships' attention was directed to this subject particularly during the last Session of Parliament, by a noble and learned Lord, whose absence during the present Session is greatly to be lamented, and who strongly urged, that the present reduction, if not the total abolition, of the duty should take place, in order to improve the character of that press, and in order to take away from those engaged in that contraband trade, and who frequently adopted a tone and language which were highly to be lamented, those advantages and profits which they at present reap, and to give to those who may be disposed to combat such opinions a fair opportunity of doing so, as far as it could be afforded, by allowing them to enter into a fair competition in that market in which publications of a different style and nature now enjoy a protection. Our attention has also been called, during the last three years, by some other Members of your Lordships' House, who read to us from publications of the unstamped press certain passages of a very violent and inflammatory character, and charged the Government with great remissness and dereliction of duty in not having taken all the measures in our power for putting it down. I do think that such a charge against the Government is, in no respect, well founded. The Government has gone, at least to the extent of its powers in this matter, but the state of the law does not enable the public prosecutor to cope with the vendors of these unstamped publications. There are three Acts of Parliament in existence directed against unstamped publications; by one the printers or publishers are liable under an Exchequer process; there is another Act directed against the sellers of these publications; and a third against those who are found hawking them for sale, imposing on them certain penalties, and in default of payment, prescribing certain periods of confinement. But such regulations of the law are rendered altogether inoperative and inefficient for their purpose by the impossibility of producing evidence on which to justify conviction. Not having the power of entering on the premises, it is perfectly impossible to prove the printing and publishing, particularly the printing, and it is almost impossible to detect the real name of the printer. There are only two unstamped papers to which the real names of the printers are annexed. These are names which, I have no doubt, were I to mention them, would be perfectly familiar to your Lordships. The individuals to whom they belong have been prosecuted over and over again—they have undergone sentences of imprisonment of no inconsiderable duration—they have been visited with infliction of penalties, which have either been paid for them by subscription or which it has been found impossible to levy; and such, my Lords, is either the profit which they derive in that way, or the determination with which they pursue their career, that I believe these persons have been in no respect deterred from proceeding in the course by any prosecutions under which they have suffered. With respect to the sellers it is still more difficult to carry into effect the law which has been laid down for their punishment. An obscure shop is opened in an obscure part of the town, in which a woman or child is placed, and i is almost impossible to discover the real owner of the shop; and if the name should be ultimately ascertained, it turns out, in all probability, to be that of a person who can without difficulty change his residence—who is here to-day, and gone to-morrow; or who opens a shop in another obscure part of the town. Thus is the law which provides that the summons should be personally served defeated; and the only mode of proving the publication obviated by the person in the shop refusing (as is the case at present) to sell to any but regular and acknowledged customers. With respect to the third power which the law confers, that of suing persons found selling those publications in the streets, that power has been exercised in the most vigorous though not in the most effectual manner. Officers have been employed for the purpose; they have taken up I know not how many persons during the last five months; they have apprehended three hundred persons, most of them boys, for vending these unstamped publications. Though these persons have not been committed, a return has been moved for in the House of Commons, which did not give a very satisfactory account of the number confined under these laws. The first return referred to the year 1831, and gave as the number of persons committed, 295; and the last return showed the number committed from March, 1834, to the period at which it was made, to be 213 persons. But the last return entirely omitted the years 1832 and 1833, which their Lordships were aware were two years the most rife and productive in this species of publication. Therefore, it is not probable that less than 800 to 1,000 persons have been committed during the last four or five years under this law. There is no doubt but that these unstamped publications have increased to an extent which it is impossible to ascertain with correctness; but it has been computed, by those most conversant with the subject, that during the last twelve months the sale has increased from 50,000 to 250,000. This I know, that when Mr.

Cleave's printing-house was entered, on a day previous to that of publication, and the officers had a right to enter it because they were informed that an unregistered press was at work, it was discovered that 40,000 copies were prepared for publication, and the press was employed in throwing off several hundreds by the hour. Now this Bill, my ords, is intended to put an end to this state of things and, by diminishing the duty, to diminish the temptation to publish unstamped and illegal newspapers. It provides the same protection for collecting this branch of the revenue as is given for the protection of other branches of the revenue, and which will be found, I have no doubt, effectual for the purpose; for nothing else can be found effectual. It proposes that, on information, a warrant can be issued empowering the officer to enter the premises of the printer in the day, and to do so by breaking open the door if necessary. Thus I think these publications will be greatly lessened by this measure, because, on the one hand, it diminishes the temptation to issue them; and, on the other hand, it arms the revenue with sufficient power to enforce the law. I am perfectly satisfied that this will be the effect of the proposed change in the law. Your Lordships will not fail to remember that if this Bill do not pass into a law, the present state of things will necessarily continue, and the evil will probably become worse, and these unstamped publications will increase. Besides, if on the present occasion your Lordships should think fit to reject this measure, the effect will be, to throw the whole trade, which expects the proposed remission of duty, into a state of disturbance, whilst, I am persuaded, as I have already said, that if you sanction it, it will extinguish the present unstamped publications. I thought it necessary to refer thus briefly to the existing state of the law and to the probable effects of the proposed measure, at the same time I have pointed out the consequences of not passing it. I now move that the House resolve itself into a Committee on this Bill.—Motion agreed to; House in Committee; Clauses 1 to 10 agreed to.

On the 11th Clause (which enacts, that a return of all the proprietors of newspapers shall be made to the Stamp-office half-yearly) being read,

Lord *Lyndhurst* said, he admitted to the fullest extent, the importance of this measure, which had for one of its objects, the putting an end to the unstamped press, and the giving just security to the fair and honest trader. He admitted, that it was the bounden duty of their Lordships to prevent that violation of the law which the noble Viscount had adverted to, and which had continued for too long a time. He did not rise to oppose that part of the Bill which was calculated to put a stop to such illegal proceedings, but the noble Viscount would recollect that he had some time since stated his insuperable objection to the clause which they were now called on to consider, and it was his intention to move, that it should be expunged from the Bill. His objection extended also to the following clause, and to schedule B. annexed to the Bill, all relating to the same subject—the registration of all the proprietors of a newspaper at the Stamp-office half-yearly. He should state in a few words what was the effect of these clauses. By them it was enacted that the name of every proprietor of a newspaper, however numerous those proprietors might be, together with his occupation, in addition, and his place of residence, should be registered at the Stamp-office. Not only should his name be registered at the Stamp-office, but his share and interest in the newspaper must also be stated. And these clauses further provided, that in case of any transfer of a share, or of the transfer of any part of a share, such transfer should be notified at each registration half-yearly. Now, a system more arbitrary, more inquisitorial, more unjust, or more unnecessary, was never resorted to than that which was countenanced by this Bill—a proposition of the truth of which he was sure he should be able to convince their Lordships before he sat down. He would, in the first place, call their Lordships' attention to the regulations that now existed with respect to the newspaper press. It was by those regulations provided, that the name of the printer and publisher should be certified at the Stamp-office. It was necessary, also, that the names of two proprietors, holding as large shares as any of the other proprietors, should be registered. Previously to the year 1798 it was extremely difficult, when it was found necessary to bring an action on account of libellous matter contained in a newspaper, to ascertain against whom the proceedings were to be directed, and, therefore, it was that the Act of 38th George 3rd was passed. The provisions of that Act rendered necessary those proceedings to which he had just referred—namely, that the printer and publisher should register their names at the Stamp-office, and that Act had been, their Lordships observed, in operation now for a period of nearly forty years. That law had been uniformly found effective; no instance had occurred in which an action was brought against a newspaper where there was any difficulty in finding the proper defendants. Now, he would ask, what took place at that time? The party then in opposition—he would not say the Whigs, because he understood this term, on a former evening, was considered offensive — most strenuously and most vigorously opposed the Bill. They were at that time, it is true, candidates for power; circumstances had since occurred which had raised them to power, and with the alteration of circumstances, their feelings with respect to that Bill appeared also to have changed, for they were now ready to go a great deal further than was contemplated by the Bill which they had so strongly opposed. In 1820, another Act was passed, by which security was to be given to the amount of 400*l.* on the part of those commencing newspapers, in order to meet any demand that might be consequent on the event of a verdict obtained, either by an individual in the way of civil action, or following a criminal prosecution at the suit of the law officers of the Crown. That was the state of the law at present. Now, as the law stood, it was clearly pointed out against whom proceedings should be had, either in case of action or of criminal prosecution; and he would say with confidence, that this state of the law had been considered a perfect security to every class of his Majesty's subjects. Indeed it was quite clear, that that security was considered sufficient, if they looked to the conduct of his Majesty's Government at the present day; because, when this Bill was introduced to the House of Commons, and until it had advanced to the very late stage, the clauses to which he now objected were not brought forward. Their Lordships would find, that the provisions of the Act 38 George 3rd were introduced into the Bill now before them, almost in the same terms in which they were originally worded; so that it would appear that the noble Viscount, who no doubt, had been consulted on this subject, considered that the Act, as originally framed, was amply sufficient for the object which it contemplated. This being so, their Lordships would naturally inquire how these clauses came to be added to the measure in a very late stage of the Bill. From the votes placed on their Lordships' Table, and from other sources, he arrived at the conclusion that they had not been introduced on the suggestion of his Majesty's Government, but that they had been brought forward by some individual, or body of individuals, in the other House of Parliament, who professed extremely liberal principles, though he could not reconcile such principles with the propositions which they had advocated. When the noble Viscount was last in possession of office, some observations fell from him as to the necessity of upholding the Constitution, not by the influence of party, but with reference to the general support of the country. In that principle he coincided; and he agreed with the noble Viscount that nothing was so likely to endanger the Constitution of the country as when a feeble Government yielded to suggestions, and adopted suggestions, of which they did not themselves approve, coming from any section of their supporters to whom they were obliged to bow, or otherwise to quit their situations. He had already stated to their Lordships that the Whig party in 1798 opposed a Bill on the subject of newspapers, which he contended was a wise and salutary measure. It was opposed by Mr. Tierney, Mr. Sheridan, Sir William Pulteney, and Mr. Hobhouse, and also by another Member of the Lower House, to whom he would not have called particular attention on this occasion if it had not been for his name and station. The individual to whom he alluded was Lord William Russell. That noble Lord gave his decided opposition to the measure. He was of opinion, that if the editor and actual proprietor were made responsible, there was no reason why persons giving their capital in aid of a newspaper should be involved in any legal proceedings connected with it; and he emphatically stated, "that this Bill was an insidious blow at the liberty of the press." Such was Lord William Russell's opinion of that measure. The other individual to whose opinion he wished to refer was Mr. Sheridan. That gentleman said, that "unless a number of persons were to join in the establishment of a paper, it would often be impossible, from the capital required, to establish one at all; and such a regulation would certainly discourage people from having any share in a newspaper." Now he (Lord Lyndhurst) would aver, that no one man was better acquainted with the newspaper business than Mr. Sheridan; that gentleman went on to say, "He should be glad to know whether by this it was meant that if Government paid a paper for abusing the opposition, the Treasury, by so assisting to keep up the paper, was to be considered as a proprietor, and to be responsible for the consequences? If so, it would tend to reconcile him to the measure now proposed." He did not participate in any feeling of that kind, and if any such principle were established as that which Mr. Sheridan spoke of, it certainly would not reconcile him to this measure. In consequence of the discussions on this measure many alterations were made. The then Attorney-General, Lord Eldon, wished to have the names of three proprietors registered, but the Speaker (Mr. Addington) considered, that that was going too far; that it was asking for more than was necessary for the object which the Bill had in view, and in consequence, two proprietors were substituted for three. Such was the proceeding in 1798, and the Act had remained in force from that time to the present. Its provisions were absolutely, in the first instance, embodied in the Bill now before their Lordships. Now what was the present Bill? It enacted, that the name of every proprietor, his residence, his occupation or addition, all circumstances connected with him—the amount of his share, the transfer of that share, or any portion of that share, should be registered every six months at the Stamp-office. If this proposition came from the quarter which he understood it did, it only afforded one more instance, that persons most clamorous about liberty, who called most loudly for the freedom of the press, who were Radical and root-and-branch men—it only afforded another instance that persons of this description, when they had any object in view, were more abitrary, more tyrannical, more grinding, and more unsparing, than any other set of individuals whatever. What Mr. Sheridan said was perfectly correct—a good newspaper could not be established without large property, which must be derived from a number of individuals; there must be a most extensive correspondence abroad; there must be a very considerable establishment at home; a large sum would necessarily be required for literary assistance, and the outlay of capital under all these heads must be very great. In fact, it was quite evident that, with a first-rate paper, there must be at the same time, in order to ensure its success, an immense expenditure of capital as well as an immense income. Such an undertaking could not be supported by three or four individuals; a great number of individuals must necessarily hold shares in it who could not by possibility have anything to do with the management of the concern. Many of those persons would reside far from the metropolis—many of them would of necessity be women and children: the property would, in some instances, be subject to marriage settlements; in others it would be held as security for debt, or it might become the subject of mortgage; in short, it might be disposed of in a great variety of shapes by those who had nothing whatever to do with the direction of the newspaper. Now, let their Lordships pass this law, and what, he asked, would be the consequence? Why, it would be this—that each and every of the shareholders would become liable to every possible species of attack and annoyance—nay, they would be subjected to punishment for publications with which they had no concern—of which they knew nothing, and of which, from their situation, it was impossible they could know anything. What, then, would follow from this? The consequence would necessarily be, that individuals would immediately endeavour to withdraw their capital from this species of employment, and they would invest it in other transactions where they would be less exposed to trouble and annoyance. This must of necessity lead to a great depreciation in property of that kind; and it had been stated to him by a most respectable individual (Mr. Baldwin, one of the proprietors of the *Standard* newspaper) that if the Bill passed in its present shape, it would deteriorate his property fifty per cent., and would operate in the same way with respect to all property of a similar description. That being the case, it was quite clear that such a revulsion in the value of property would, when individuals were endeavouring to get rid of their shares, prevent other people coming forward to purchase; and, he would ask, what was this to be done for? Was not the law sufficient for every fair purpose of prosecution as it stood at present? If a libel were published, they had defendants; and if a verdict were returned for the plaintiff, they had a security by the Act of 1820 for whatever damages might be awarded. Why, then, should they countenance this sort of inquisition, to which no other species of property was exposed? Why should they, by passing these clauses, interfere with this large mass of property; clauses which, he would say, were unnecessary for the purpose which the Bill was intended to effect, and which Government themselves, it was evident, did not conceive to be necessary, because they had not introduced them. The country was deeply interested in the conduct of the public press; it was deeply interested in its respectability and purity; and who, he demanded, would embark in an employment of that kind if these clauses were passed? He would confidently say, that none would so embark but persons of little property or character; they would very soon have a press of a much lower scale in point of intelligence, information, and talent. He would add, when he made that remark, that nothing was of greater importance to the country than the keeping and placing the press on a just and firm basis. He did not blame Ministers for having originally proposed these clauses; they certainly had not introduced them; but he did blame them for having weakly and rashly given way to the suggestions of persons who, as it were, forced those clauses upon the Ministers. Some persons were of opinion, that the public should know the author of every article that appeared in a newspaper. He would not discuss that point now; much, he admitted, might be said on both sides. But it was unnecessary for him to argue that point, because the Bill contained nothing to require any observations on the subject. So far as that point was concerned the Bill did nothing whatsoever. It had been said, that they had no right to interfere with these clauses—that this was a money Bill, and that they could make no amendment in it without infringing on the privileges of the House of Commons. He, however, denied the justice of that allegation. The clauses which he wished to be expunged were not money clauses, but clauses of police and regulation. They were clauses which referred to the administration of justice and police. The Bill contained the clauses in question, in addition to the money clauses; and were they to be told, that, leaving the money clauses unnoticed, not objecting to them in the slightest degree, they had no right to touch those regulation clauses? If they were told, that they could not alter clauses of this nature—that they could not in any way interfere with them, because they formed part of a money Bill, then he would say, that they were deprived of a great part of their most important privileges, and the sooner they came to a right understanding on the question the better. He was not at all averse to the rest of the Bill, and if these were money clauses, and that any alteration of them would be an infringement of the privileges of the House of Commons, there was still a remedy to his Majesty's Government. Let them send up another Bill in the same form as the present, omitting these objectionable clauses, and that Bill might be passed; or they might do better by sending up a Bill taking off the duty altogether, and not keeping up the complicated machinery and the extensive establishment necessary for levying the paltry tax of 1*d*. on each newspaper. He contended, that their Lordships were entitled to reject these clauses. They had nothing whatever to do with the money clauses,—they were mere clauses of regulation and of police, and were contrary to every principle of justice—contrary to the principle recognised and adopted in the year 1798—contrary to the policy of his Majesty's Government itself, and they had only found their way into the Bill in consequence of the weakness of his Majesty's Ministers in listening to the dictation of others in the Commons' House of Parliament. On these plain and simple grounds he would now move the rejection of the 11th Clause.

The *Lord Chancellor* said, it was not his intention to enter into the character of the opposition, and certainly not into the state of parties and politics, in the year 1798, a question which had been raised by his noble and learned Friend who had just sat down. His noble and learned Friend had described the clause as one of the greatest tyranny and oppression. Now, of what did the clause consist? It consisted of a provision that every proprietor of a newspaper should be bound to have his name registered, that newspapers should not be authorised to publish until the information was generally announced. Was that a provision new in principle—was it a principle unknown until the year 1798? His noble and learned Friend, whose accuracy of information was great on all subjects, and particularly on this matter, to which it would appear he had turned his attention, had omitted (perhaps by accident) to state the provisions of the 28th Clause of the Act of 1798. True it was, that by that Act it was considered necessary that the two largest proprietors only should be announced to the public by affidavit, to be filed at the Stamp-office; true it was, that this regulation was held to be a sufficient security to the public; yet the Act to which he referred went a step further, for it provided, by the 28th Clause, that if any person or persons should file a bill in any court of equity for the discovery of the name or names of any proprietor, editor, printer, or publisher of a newspaper, or for the discovery of any matter relating to the printing and publishing thereof, in order to enable him or them to carry on any action or actions of damages for slander or libel, it should not be lawful for the defendant or defendants to plead or demur to the bill, but that they should be compelled to make the discovery thereby required. Was not this, then, oppression—was not this tyranny—was not this invading the rights of persons holding property of this description? He addressed himself to the argument of his noble and learned Friend, that it was tyranny and oppression not to permit proprietors of newspapers to conceal themselves from the public. Such formed no part of the scheme of 1798; and what was the present clause? Why this: the Act of 1798 having laid it down as a rule and principle, that although only two proprietors were required to be registered, means were afforded by which parties aggrieved could get at all the proprietors. The clause now under consideration provided, that a return should, from time to time, be made of the names of all the proprietors—in short, that there should be registered at the Stamp-office a declaration, containing the names of all the proprietors. It could not be denied that this was a much less expensive mode of proceeding than by the machinery of the Bill of 1798; and were not the charges of tyranny and oppression quite as applicable to that Act as to the present measure? He therefore repelled those severe terms applied to a provision which really was only a renewal of the principle to be found in the Act of 1798. In short, while it followed in principle the remedy given to the public in that Act, the clause in question effected that object in a more consistent and less expensive manner. His noble and learned Friend had stated, that by striking out these clauses the Bill would not be injured so far as to make it necessary for the House of Commons to refuse to entertain a Bill of this character so altered. Now, if his noble and learned Friend should be mistaken in this assumption—if the asserted privileges of the House of Commons were such as to induce them to regard the Bill as a money bill thus altered, the effect of the adoption of the proposition of his noble and learned Friend would be to lose a Bill so material to the interests of the public press—a Bill containing, in other respects, provisions in which his noble and learned Friend entirely concurred. If there had been any evil in the converse of the principle established by the Act of 1798—if it were essential to the well-being of a well-regulated press that persons engaged in newspapers should have the means of concealing from the world the knowledge of their being proprietors, that might be an objection to any measure which went to alter that principle; but when their Lordships found that the clause only provided a different means of attaining the same object, and that there was no alteration of a principle already established, he thought the House would not be induced to run the risk of losing a measure which he believed the press itself considered highly essential to its interests.

Lord *Wynford* commenced by observing, that reference having been made to the possibility of an infringement of the acknowledged privileges of the other House of Parliament by the rejection of the clause now under consideration, he would venture to state, that the House of Commons had infringed upon their Lordships' privileges by the insertion into this Bill of such a clause as that which his noble and learned Friend had objected to. The House was debarred from exercising its discretion as to the propriety or otherwise of these regulations, because there were also money clauses in the Bill, and he for one contended that these matters of regulation ought to have been made the subject of a distinct and separate Bill. They had been introduced, however, in this Bill for no other purpose than to prevent their Lordships from exercising their discretion upon them, and, if it so thought fit, of striking them out. This House ought to be as jealous of its privileges, as the House of Commons were justly jealous of any infringement of its powers and privileges. It was, however, impossible for any man looking at these clauses not to say that they greatly infringed upon the liberty of the press. His noble and learned Friend who had spoken last stated, that there was no oppression in these clauses, because the same thing had been done in the clause contained in the Act of 1798. There was a great difference between the clauses objected to in this Bill and those provided by the Act adverted to. There was a great difference between them, and his noble and learned Friend had touched but lightly on a very important part of the clause now before the Committee. When his noble and learned Friend opposite talked of the luxury of a Bill of discovery, he omitted to state, that in the Act of 1798 was provided a guard which was not to be found in the present Bill. The Act of 1798 contained a guard against the use which was to be made of the discovery when obtained, and it provided that the discovery was to be used only for the purpose of supporting civil rights, and by the clause now objected to by his noble and learned Friend behind him, the information to be obtained at the Stamp-office might be used in support of criminal prosecutions. He admitted that there was a difference between the 11th Clause and that which in the 38th of Geo. 3rd permitted the certificate of the three names registered to be given in evidence; but if the list of proprietors could not itself be made evidence, there would be no difficulty, after getting the names of the most wealthy, opulent, and respectable proprietors, to obtain evidence against any of them by calling any one of the parties by whom the list or return was to be made up, and then asking him in a court of justice whether A B, or C D, or any other name included in the list, was not a proprietor of the particular journal against which the criminal proceedings were then under trial. He agreed with Mr. Sheridan in thinking that this would lead to the complete destruction of the liberty of the press, and would place that engine entirely in the hands of the Crown. He was sure that neither the present Attorney-General, nor the Government to which that hon. and learned Gentleman was attached, would allow such proceedings to occur; but still the House was not to provide for any particular Ministry, but ought rather to secure the liberty of the press and the liberty of individuals. He was not sure but that the time might come, when under these powers individuals might be selected for prosecution in consequence of the part they might have taken in politics. He had heard with great satisfaction from the noble Viscount at the head of his Majesty's Government, that the public were deeply interested in the respectability of those who conducted the newspaper press of the present day; but he was of opinion that this respectability would be put an end to, if the clauses objected to were retained in the Bill. To carry on a newspaper required greater capital than generally fell to the lot of those by whom they were conducted, and it was necessary that in every firm there should be united those who contributed their talents and those who contributed the contents of their pockets. He did not mean to say that any man was disparaged by belonging to any of the principle newspapers of this country; on the contrary, he thought it was rather an honour than otherwise to be connected with them; but he was convinced that, independent of the fear of being liable to criminal prosecution, many men of respectability and capital would refuse to be concerned in newspaper property if their names were made public, as provided by these clauses. This publicity of the partners in a banking-house was not required, and why should a newspaper firm be differently treated? He admitted that it was fit and proper that the public should have some security for the good conduct of a journal, and he contended that this security was afforded by the laws as they now stood, and by these clauses was carried further than necessary. He further contended that it was of infinite importance that the most powerful engine, the press of this country, should be directed by persons of respectability. Nothing could be more dangerous than to drive men of property from a connexion with the newspaper press, the effect of which would be, to put the newspaper establishments into the hands of reckless men, who would exercise their powers to the injury and destruction of the country. On the whole, he conceived a greater mischief could not be done to this country than by passing this Bill in its present shape. He concurred in the view taken of this subject by Mr. Sheridan on the occasion when it was last under the consideration of Parliament. He proposed that the number of names registered should be limited to three: that number was reduced by Mr. Addington to two; and it was remarked by the former, that if greater publicity was given, shares then worth *200l.*, would very soon not be worth sixpence. He confessed he was surprised that the noble and learned Lord opposite should even have dreamt of supporting such a clause as this. He should rather have expected the noble and learned Lord, on behalf of his Majesty's Government, would have got up and said, "We are the same Whigs we were in 1798. We are no parties to these clauses; they form no part of our proposition, and that, though his Majesty's Government had erred in the Commons, we in this House will cure the error by striking these clauses out of the Bill." For their own sakes, he was much surprised that they had not done this, instead of leaving it to his noble and learned Friend to move the Amendment, in the propriety of which he most cordially concurred.

The *Lord Chancellor*, in explanation, said, that though the return of names could not be used against the parties stated to be proprietors, yet it would merely give information who they were, and that information once obtained, there would be no difficulty in making a case against them. His noble and learned Friend opposite was not quite accurate in supposing that the clause in the act of 1798 had not the same effect, but after a most expensive and troublesome proceeding. Under the act of 1798 parties against whom a Bill of discovery was filed were compelled to make the disclosure after the expenses of the proceedings had been incurred.

Lord *Wynford* observed, that information so obtained could only be used in civil actions.

Lord *Lyndhurst* said, that a party filing a bill of discovery must do so at his own expense. His noble and learned Friend (the Lord Chancellor) had, however, shown these clauses to be unnecessary at least, and therefore he thought their Lordships would have no difficulty as to the propriety of their rejection.

Viscount *Melbourne* admitted, that this clause was not necessary for any purposes of revenue; but, at the same time, he begged most earnestly and anxiously to press on their Lordships' consideration the fact that any alteration in it would be fatal to this bill. He could assure their Lordships, that after reference to the authorities, there was but one opinion on that subject. It was for that very reason that he prefaced his motion for going into Committee with a short statement of the whole case, and he entreated their Lordships not to come to a vote under the notion that it would be possible to repair the effects of that vote during the present Session of Parliament. The noble and learned Lord who had moved the amendment had said, "Bring in another Bill, and not only do that, but bring in a bill to repeal the whole of the stamp duty on newspapers." He (Viscount Melbourne) begged to ask if the noble Duke opposite (the Duke of Wellington), and other noble Lords near him, were parties to that recommendation? It was bidding for popularity with a vengeance. The noble and learned Lord had said, that his Majesty's Government yielded to the Radicals. He would ask the noble and learned Lord, at whom was this recommendation levelled—what party it was intended to gain—whom to please—whom to satisfy? What was the meaning of that observation? It was an attempt to outrun his opponents in the race for popularity, and to take up circumstances which the noble and learned Lord thought favourable to himself. There was a great objection, however, to take off the whole stamp duty, as, if so, it would be impossible that newspapers could be transmitted through the Post-office, and therefore a tax in the shape of postage must be collected. Such a tax, so far from being fair or equitable, would give an advantage to those who read the newspapers in London over those who read them in the country. That was the reason why his Majesty's Government continued the duty on newspapers, and were not prepared to adopt the suggestion of the noble and learned Lord. It had been said that the registration of two proprietors had been always found sufficient for the security of the public. He had, however, been told that such was not the case, and that, on the contrary, solvent defendants had not always been found to answer for the damages given against them. Everybody knew, that a part of the stamped press in London indulged in great scurrillity and abuse; and he was informed such was the character of the registered proprietors, that when counsel was consulted as to the course to be pursued in reference to their scurrillous slanders, they advised proceedings to be abandoned, inasmuch as no damages would be recovered after verdict was obtained—that the plaintiffs would have to pay their own costs and get nothing by their action. He believed that the securities to the public already existing had not been found to be effectual, and therefore it was, that this clause had been introduced into the present Bill. True, it was not contained in the original Bill, but had been proposed in the House of Commons, not resisted by any party there, but, on the contrary, very much acceded to and approved of by the whole of that House—even those who were supposed to act with the noble and learned Lord opposite, had offered no opposition to it when proposed to be introduced in Committee, and it was not till the third reading that the hon. Member for Berkshire did make some opposition to it; but, notwithstanding that, only fifteen Members voted with him on that occasion. The noble and learned Lord had said, that the press was a very extensive trade—that great capital was embarked in it; and he had asked why that trade was to be conducted on a different principle from any other. The noble and learned Lord had forgot, that in order to give security to the public, it was provided, in a Bill now on their Lordships' Table for the regulation of Joint-Stock Banks, that all the proprietors should be registered; all bankers were required to be registered at the Stamp-office, and he saw no reason why the same principle of security should not be extended to the great trade, as it was called, of the newspaper Press. Why should not the names of newspaper proprietors as well as those of other persons who employed their capital in other transactions and speculations be registered? The noble and learned Lord had said, that shares in newspapers were the subject of marriage settlements, and that females and minors in different parts of the country were interested in them, and therefore that this system of registration would be inconvenient. The noble Lord forgot that the same class of persons interested in speculations of a different character were required to be registered, and he could not see that it would injure the character of the Press if it were known who were its real conductors. The noble and learned Lord had said he respected very much the Whigs of former times. He would say that he entertained a very great respect for the Tories of former times, and he well remembered the doctrine urged with reference to this question by one of that party:

> "Ipse pater, media nimborum in nocte, coruscâ
> Fulmina molitur dextrâ."

It was this night-like mystery, in which these publishers were enveloped, that he wished to see removed. He desired to see the shade by which those who exercised such power and authority in the country were surrounded, dispelled. There could be no reason for their concealing themselves. The noble and learned Lord had himself spoken of the talent and the learning connected with the press of this country; and nobody could think it disgraceful or derogatory to be connected with the press. He also presumed, that it was impossible that any person would give assistance or lend his capital to a journal professing principles other than he himself entertained; it was, he took it for granted, impossible that a Conservative lent his aid to a Radical newspaper, or that a Radical applied his capital to a Conservative journal. He supposed, too, that it was perfectly impossible that the characters of these individuals could be injured by their names being divulged, except those, perhaps, who had gained notoriety by personal slander. He presumed it was not for these that the noble and learned Lord put himself forward on the present occasion. It was perfectly impossible that their Lordships could desire to shelter those who made a gain and a profit from the dissemination of private slander. It was not to be supposed that such people were entitled to be screened from the knowledge of the public; and if it had so happened that any fellow who had raised himself from a humble station in life to that of a Member for a county, who feared that his veracity might be impeached, or his vanity injured, by these discoveries, it was hardly necessary to legislate for that purpose, or for his protection. But he was most anxious to call to their Lordships' attention what the effect of the loss of this Bill might be on the country, on the state of the press, and on the future well-being of every thing that was connected with that subject. If there really was such an objection to this clause —if, as the noble and learned Lord had stated, the clause infringed on the liberty of the press, for which so much acute sensibility had been displayed by the other side of the House—if the clause were inconsistent with every principle of liberty, then certainly their Lordships would not consent to keep the clause in the Bill. That, however, was not his opinion. Dissenting as he did from the noble and learned Lord opposite, he thought their

Lordships ought to pause before they hazarded the fate of the measure by so rash and unadvised a step as that proposed by the noble and learned Lord.

The Duke of *Wellington* said, that the noble Viscount had not stated any very strong reasons for the adoption of this clause, and it was quite obvious that the clause was what his noble and learned Friend near him had stated. It had been attached to a money bill in order to pass this provision which was directed against a certain number of individuals who were proprietors of newspapers. It was not at all necessary for the purposes of the tax; the noble Viscount did not propose it in the first instance, and did not now think it necessary to the Bill; but he urged their Lordships to adopt it, because it appeared to him that its rejection would be fatal to the Bill in another place. The noble Viscount had taunted his noble and learned Friend with suggesting another Bill, and had told them that another Bill could not be brought in. If another Bill could be brought in, in the name of God let their Lordships know the intention of the Government—let the noble Lord bring in his own measure, as originally framed, without the clauses. There was time, or if not, time could be given, for this proceeding. At all events, no answer whatever had been given to the observations which had fallen from both of his noble and learned Friends near him, unless the inquiry made as to whether he joined in their opinions could be considered as an answer to the objections they had raised. He should be sorry to put the Government to any inconvenience, but he considered it his duty to support the motion of his noble and learned Friend.

Lord *Lyndhurst* observed, that the noble Viscount had adverted to a certain county Member. He presumed the noble Viscount meant the hon. Member for the county of Berks. The noble Viscount had insinuated that he wished to shelter that individual. Now, he begged to say, that he never saw that hon. Member, that he never spoke to him, that he never held any communication with him, and that he did not even know his person. With respect to what the noble Viscount had said, as to plaintiff's being unable to get the effect of their verdicts from slanderous publishers, he (Lord Lyndhurst) begged to observe, that must be the fault of the Solicitor of Stamps, for every printer and publisher was bound to give a bond for 400*l.*, with three sureties, to the Stamp-office authorities, who ought to look to the solvency of the parties before the publication was allowed to issue; and he (Lord Lyndhurst) never knew an instance in which a verdict was obtained against a newspaper to the amount of 400*l.* He must also remark that the clause under consideration was introduced late in the Session; its effect was not immediately and it was not until the third reading that its effect was known. The third reading took place in a thin house, consisting of less than sixty Members, and considerably after twelve o'clock at night. Under such circumstances, he thought their Lordships were not much inclined to agree to the clause.

The Marquess of *Lansdowne* said, that if their Lordships could entertain any doubt as to what light these proposed alterations must be considered in in another place, they had had that doubt removed by the conduct of the noble and learned Lord. This House, it was true, had privileges, as well as the other House of Parliament, to maintain; and if the noble and learned Lord thought that this clause was a tack to this Bill, there was a prescribed course which he ought to have pursued: but the noble and learned Lord had not ventured to adopt the course which Lord Grenville pursued when a bill was sent up from the Commons for the regulation of trade — a Bill combining revenue and principles of general policy. Did Lord Grenville go into Committee on that bill, and propose alterations in the clauses? No; he was not a politician who chose this byway mode of proceeding; and he denounced that Bill as infringing on the privileges of this House, and he (the Marquess of Lansdowne) remembered well joining Lord Grenville in that opposition. There was no pretence for representing this clause as a tack. The clause merely regulated the mode in which the names of the proprietors of newspapers should be made known—the mode by which those who were answerable for the conduct of those newspapers should be ascertained; the clause was one of regulation only. He would not follow the noble and learned Lord through the events in the year 1798, to which he had alluded; that was a time, however, which the noble and learned Lord had said no man had a right to impute to him any politics whatever. At that time the

Act which had been alluded to was passed, and in it was to be found distinctly laid down the same principle of tyranny and oppression that the noble and learned Lord condemned in the present Bill, which, however, provided means by which the names of proprietors could be got at of a less expensive and troublesome character than the Bill of 1798. He entirely concurred in what had fallen from his noble Friends near him on the importance to be attached to the respectability of the press, and of the character of those who conducted it, and he believed that nothing could be more likely to add to that respectability, to contribute to that character, and so to raise the press in the estimation of the public, than if it were declared that the name of every individual connected with the press should be liable to become known. He believed, that there were a few men of high and honourable characters connected with the press of this country who felt no reluctance at their names being known by this or any other process. At all events, these clauses presented one of the best securities that was contained in the Bill for the maintenance of the respectability of the press, and for the avoidance of those scandalous and outrageous libels and defamations to which he had often heard in that House that some portion of the press was extremely obnoxious. He had often heard complaints of this kind, and if their Lordships should determine upon rejecting these clauses, he should have the satisfaction of thinking that we should hear of those complaints no more. They had heard from the noble and learned Lord (Lyndhurst) that the press stood at present upon the best possible footing, and that he was not prepared with any remedy for those evils which were to be found in its train beyond those remedies which already existed. The noble and learned Lord contradicted the opinions which he had frequently heard expressed in that House, that the licentiousness of the press ought to be checked, and therefore, for the purpose of putting a stop to the libels and scandals of unstamped publications, they knew now that in the noble and learned Lord's opinion no remedy was necessary but such as was already provided. He believed, that the effect of these clauses would be, to produce an improvement in the character of the press, and to give additional security to the public, connected, as they were, with a great and just boon to the public, to which he thought that it was fairly entitled, though he was not quite prepared to run the lengths to which the noble and learned Lord, in his enthusiastic and innocent zeal, was ready to go. The noble and learned Lord, in concurrence with parties with whom he would not offend the noble and learned Lord by saying he usually acted, declared himself anxious to take off the whole of the duty levied upon newspapers, but under present circumstances he was not prepared to say that the tax could with safety be remitted to that unqualified extent to which the noble and learned Lord expressed himself favourable. Upon these grounds he should vote for the retention of the clauses, being perfectly convinced that their rejection would insure the rejection also of what the noble and learned Lord admitted, and was on all hands admitted to be, a most wise, a most prudent, and a most salutary measure.

Lord *Lyndhurst*, in explanation, admitted that these clauses were not technically a tack, and it was because they were not, that he took the course to which the noble Marquess had referred. But the objection he entertained against them was, that the Bill related to two independent matters which had no necessary connexion with each other, and by bringing in a Bill in this form, the power of their Lordships to deal with it was improperly restricted. With respect to what the noble Marquess had said relative to what he (Lord Lyndhurst) had urged with regard to a new Bill, he had stated that the noble Viscount might take one of two courses—the Government, in the event of the House of Commons considering the rejection of these clauses as an infringement upon their privileges, might bring in a new Bill; or they might dispense with the tax altogether, because, in his opinion, the amount of the duty would be so small that it would not be worth while to retain the complicated machinery which the provisions of the Bill would keep in constant action.

Their Lordships divided on the original motion: Contents 40; Not-Contents 61; Majority 21.

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BARONS.
Bristol

BISHOPS.
Saye and Sele
Glenlyon
Barham
Holland
Seaford
Ducie
Foley
Hill
Hatherton
Plunkett
Templemore
Mostyn
Langdale
Dinorben
Gardner

TELLER.
Strafford.

List of the NOT-CONTENTS.

DUKES.
Cumberland
Wellington
Beaufort

MARQUESSES.
Salisbury
Hertford
Bute
Westmeath

EARLS.
De Grey
Chesterfield
Westmorland
Doncaster (Duke of Buccleuch)
Shaftesbury
Warwick
Bathurst
Brownlow
Beverley
Mansfield
Liverpool
Bandon
Rosslyn
Limerick
Powis
Rosse
Orford
Harrowby
Verulam
Beauchamp
Glengall
Falmouth
Ripon

VISCOUNTS.
Gordon, Abereen (Earl of)
Exmouth
Hood

LORDS.
De Roos
Berwick
Saltoun
Reay
Hay
Monson
Dynevor
Montagu
Douglas
Dunsany
Redesdale
Ellenborough
Forester
Penshurst
Farnborough
Wharncliffe
Lyndhurst
Cowley
Stuart de Rothesay
Wynford
Fitzgerald
De Lisle
Tenterden

ARCHBISHOP.
Armagh

BISHOPS.
Rochester
Glocester
Oxford
Cork

Clause 11 was rejected, as were Clause 12 and Schedule B.

The remaining clauses of the Bill were agreed to. The report to be received.

HOUSE OF COMMONS,

Monday, August 8, 1836.

MINUTES.] Bills. Read a third time:—Post-Office Commissioners.; Spirits (Excise) Common Law Courts; Ecclesiastical Appointments Suspension.—Read a second time:—Slave Owners Compensation; Ditto Treaties.—Read a first time; Hypothec (Scotland) Militia Pay; Creditors (Scotland); Public Works; (Ireland):—St. Clement's, Oxford, Marriages Validity.

REGISTRATION OF VOTERS BILL.] Lord *John Russell*, in moving that the Bill be read a third time, said that two of the gentlemen whose names had been inserted in the list of the Revising Barristers under the Bill had refused to accept the office. The gentlemen he alluded to were Mr. Rogers and Mr. Alexander, and he should have to propose as one of the amendments in the Bill after it was read a third time, that there be substituted in the place of the names of these gentlemen the names of Mr. Russell Gurney and Mr. Edward Winslow.

Bill read a third time.

Mr. *Aglionby* said, he had a clause to propose by way of rider, the object of which was, to carry into effect the provisions of the Act 8th George 4th, commonly called "Davies's Act." which enacted that counsel, agents, and all others employed by candidates at elections, should not have the right of voting, and that their votes at such elections should be invalid. It was well known, that that Act was evaded, and that, where the contest was a keen one, the votes of these disqualified persons were given at the hustings, the parties trusting to the chances attendant on a petition to the House. The present clause proposed to subject such parties for voting under such circumstances to a penalty not less than 10*l.* and not exceeding 100*l.*

The *Attorney-General* said, that such a clause was certainly required to carry into effect the provisions of Colonel Davies's Act.

The Earl of *Lincoln* objected to the clause, as being irrelevant to the Bill, and as being brought forward without notice.

Lord *John Russell* moved that the names of Messrs. Gurney and Winslow should be inserted in the place of those of Messrs. Rogers and Alexander, who had declined to accept the situation of Revising Barristers.

The Earl of *Lincoln* objected to the principle on which this Court of Revision was established. The nomination of the persons filling situations in it should not be placed in the hands of a political character like the Lord Chancellor. It was true, that on the present occasion the selection made by the noble Lord was, according to all he knew and heard, a most excellent one, but the noble Lord might have successors who might not imitate his example, and the appointments might degenerate into political and party jobs. It was much better under the present system, where the appointments were left in the hands of the judges.

Lord *John Russell* felt confident that the new system would ultimately be found to be a great improvement on the existing one. It would ensure greater uniformity and accuracy in the decisions, whilst, by reducing the number of barristers who decided, it increased their responsibility. He thought it better to relieve the judges of the duty of making such appointments, as under the present system, whenever political bias or partiality was imputed to a Revising Barrister, the character of the judge who appointed him was generally involved in the imputation. He trusted, that the principle which had been followed in this instance in making the selection, of not choosing from one side or the other, but of choosing indifferently from both, and, above all, of choosing men who were known not to be violent, but moderate in their political opinions, would, now that it had been so fully approved of by Parliament, constitute a guide for those on whom hereafter the duty of filling up these situations would devolve.

Motion agreed to.

Mr. *Praed* proposed, in Clause 64, that after the words "with any land," there should be inserted, for the purpose of securing the exemption of existing rights of voting from the disfranchising effect of the Clause, the following words:—"And whose name shall not, previously to the passing of this Act, have been inserted upon the registry of voters for any city or borough by reason of such occupation."

Mr. *Warburton* opposed the amendment, the effect of which, would only be to render valid the decisions of some Revising Barristers, and to perpetuate what were called pigsty votes.

The House divided:—Ayes 22; Noes 72: Majority 50.

List of the Ayes.

Alsager, Captain
Ashley, Lord
Beckett, rt. hon. Sir J.
Bonham, R. F.
Borthwick, Peter
Brownrigg, S.
Chandos, Marquess of
Eaton, R. J.
Fremantle Sir T.
Gladstone, W. E.
Gore, O.
Hamilton, G. A.
Hindley, C.
Hoy, J. B.
Charlton, E. L.
Inglis, Sir R. H.
Lincoln, Earl of
Palmer, G.
Price, R.
Richards, R.
Sibthorp, Colonel
Jackson, Sergeant
Trevor, hon. A.
Wakley, T.

TELLERS.

Praed, W. M.
Ross, C.

List of the Noes.

Adam, Sir C.
Aglionby, H. A.
Bagshaw J.
Baines, E.
Barclay, D.
Baring, F. T.
Bentinck, Lord W
Bernal, R.
Bewes, T.
Biddulph, R.
Blake, M. J.
Blamire, W.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Burton, H.
Butler, hon. P.
Buxton, T. F.
Callaghan, D.
Chalmers, P.
Clive, E. B.
Codrington, Admiral
Collier, J.
Crawford, W. S.
Dalmeny, Lord
Donkin, Sir R.
Elphinstone, H.
Ewart, W.
Fitzroy, Lord C.
Grey, Sir G.
Grote, G.
Hall, B.
Hawkins, J. H.
Hoskins, K.
Howick, Viscount
Labouchere, rt. hn. H.
Leader, J. T.
Lennard, T. B.
Lennox, Lord G.
Lynch, A. H.
Macnamara, Major
Mangles, J.
Marjoribanks, S.
Methuen, P.
Morpeth, Viscount
O'Brien, C.
O'Ferrall, R. M.
O'Loghlen, M.
Pelham, J. C.
Potter, R.
Pryse, P.
Robinson, G. R
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Seale, Colonel
Seymour, Lord
Stanley, E. J.
Steuart, R.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thorneley, T.
Tracey, C. H.
Tynte, C. J. K.
Villiers, C. P.
Walker, C. A.
Whalley, Sir S.
Wilde, Sergeant
Wilkes, I.
Williams, W.
Williams, W. A.
Wood, C.

TELLERS.

Attorney-General
Warburton, H.

On the question that the Bill do pass.

Mr. *Praed* defended the present system of Revising Barristers, and contended, that with the salaries now annexed to the situation, they should have got more experienced men than some of the juniors on the list. The fact was, they would have got them, but that the situation precluded them from following their profession at the same time. The hon. Member concluded by expressing his determination to take the sense of the House on the passing of the Bill.

The *Attorney-General* said, that he had not suggested a single name on the list, but believing, as he firmly did, that a better selection could not have been made, he was ready to take the whole responsibility on himself. He was sure that the future appointments could not be placed in better hands than in those of the Lord Chancellor.

The House divided:—Ayes 80; Noes 23: Majority 57.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Bagshaw, J.
Baines, E.
Barclay, D.
Baring, F. T.
Bentinck, Lord W.
Bernal, R.
Bewes, T.
Biddulph, R.
Blake, M. J.
Blamire, W.
Brabazon, Sir W.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Brownrigg, S.
Burton, H.
Butler, hon. P.
Buxton, T. F.
Callaghan, D.
Campbell, Sir J.
Chalmers, P.
Clive, E. B.
Codrington, Admiral
Collier, J.
Crawford, W. S.
Dalmeny, Lord
Dennison, W. J.
Donkin, Sir R.
Elphinstone, H.
Euston, Earl of
Ewart, W.
Grey, Sir G.
Grote, G.
Hall, B.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Hoskins, K.
Howick, viscount
Labouchere, rt. hn. H.
Leader, J. T.
Lennard, T. B.
Lennox, Lord G.
Lynch, A. H.
M'Namara, Major
Mangles, J.
Marjoribanks, S.
Methuen, P.
Morpeth, Viscount
O'Brien, C.
O'Loghlen, M.
Ord, W.
Pattison, J.
Pelham, J. C.
Potter, R.
Pryse, P.
Robinson, G. R.
Rolfe, Sir R. M.
Russell Lord J.
Ruthven, E.
Seale, Colonel
Seymour, Lord
Smith, R. V.
Stuart, Lord D.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Tracy, C. H.
Tynte, C. J. K.
Villiers, C. P.
Wakley, T.
Walker, C. A.
Warburton, H.
Wilde, Serjeant
Wilks, J.
Williams, W.
Williams, W. A.
Wood, C.

TELLERS.
Stanley, E. J.
Stuart, R.

List of the NOES.

Ashley, Lord
Beckett, rt. hn. Sir J.
Bonham, R. F.
Borthwick, P.
Chandos, Marquess of
Charlton, E. L.
Cole, hon. A. H.
Eaton, R. J.
Gladstone, W. E.
Hamilton, G. A.
Hamilton, Lord C.
Jackson, Sergeant
Inglis, Sir R. H.
Jones, T.
Lincoln, Earl of
Lygon, hon. Colonel
Palmer, G.
Percival, Colonel
Ross, C.
Rushbrooke, Colonel
Sandon, Viscount
Sibthorp, Colonel
Trevor, hon. A.

TELLERS.
Fremantle, Sir T.
Praed, M.

Bill passed.

COMMUTATION OF TITHES (ENGLAND).] A Conference was held with the Lords on the subject of the Amendments made by the Commons to the Amendments made by the Lords in the Commutation of Tithes (England) Bill. After the conference on the motion of Lord John Russell, the Amendments made by the Lords were agreed to, and Bill returned.

MALT DUTIES (IRELAND).] On the Order of the Day for the Second Reading of the Malt Duties (Ireland) Bill being moved by the Chancellor of the Exchequer,

Mr. *Hamilton* said, he had a petition to present in reference to the Irish Malt Bill, and with the permission of the House he would take that opportunity of presenting it. It was from a most respectable and intelligent commercial body, well known in the House—the Chamber of Commerce of Dublin. It stated, that the manufacture and sale of malt are now regulated by similar laws in all parts of the kingdom. That by the proposed Malt Bill, the manufacture and trade in malt in Ireland is subjected to vexatious regulations and penal restrictions, from which the trade of England and Scotland is exempt. That by the Report of the Commissioners of Excise inquiry and the return of penalties it was established that the malt-duties were extensively evaded in England. That while it thus appeared that illicit malting is common to the three countries, the Bill confined the remedy to Ireland, subjecting that country to different laws, and also subjecting brewers and distillers there to vexatious regulations, to which brewers and distillers in England and Scotland were not liable. That the prosperity of the brewers and distillers of Ireland was of great public importance—and that their produce forms one of the exports of the country; and it prayed that the Bill might not pass into a law.

The *Chancellor of the Exchequer*, in moving the Second Reading of this Bill, observed that the present mode of collecting the Malt-duty in Ireland was exceedingly defective, and required speedy and efficient amendment. Many applications had been made to him by persons connected with the trade, to postpone this Bill, but after mature consideration he had stated to them that he felt bound in duty to the public to persevere with it. If, however, it should appear that hon. Members from Ireland entertained strong objections to the Bill, he would not be averse to withdraw it for the present, with a view to introduce a similar measure in the early part of next Session. He prayed the House to consider the consequences which would follow if they allowed the law to remain as it stood at present for another year. The inevitable result of such a course would be, that illicit traffic would spread itself over the whole face of the country. If not armed with new and more effectual powers, he would be of necessity obliged to put in force the provisions of the existing law with greater severity.

Mr. *Hamilton* was very sensible of the magnitude of the evil which the Bill before the House was intended to remedy, but he was very sensible of the extent to which an illicit malt trade had been carried on in some parts of Ireland, and of the injury which in consequence had been sustained by the honest dealer, and also by His Majesty's revenue: at the same time it appeared to him very objectionable indeed if, at so late a period of the Session, when all Members were looking so anxiously for its speedy termination, and when so many Irish Members had left town, a Bill containing such important alterations, affecting a most important branch of Irish trade, and affecting especially one of the most rising and flourishing of her exports—the beer and brewing business—should be carried through that House, and that, too, under circumstances in which, though a Representation had been stated to have been made to the Chancellor of the Exchequer by a portion of the trade, it was quite impossible that the opinion of the trade generally could be adequately collected with regard either to the efficiency of the Bill for its own purposes, or to the nature and effect of its provisions; that he, therefore, very earnestly suggested the expediency of its postponement for the present Session; that, as he wished to place the necessity of its postponement on that occasion simply upon the question of time, it was not his intention then to enter at all into the merits of the Bill, further than to state, that he saw many and great objections both to its principle and provisions, which he should be prepared to argue in the event of the right hon. Gentleman, the Chancellor of the Exchequer thinking fit to persevere with the measure. He had stated, that the practice of illicit malting prevailed in Ireland. The Commissioners of Excise Inquiry had declared in their reports that the same practice prevailed in England, and to a very considerable extent; and, should the Chancellor of the Exchequer find, in the interval between the present time and the next Session of Parliament, that the powers with which he was at present invested were insufficient to suppress the illicit trade, he for one, would be quite willing next Session to go into the whole question, with the view to the adoption of some general measure applicable in its principle equally to both countries, to enable Government more effectually to protect the honest dealer, and to preserve his Majesty's revenue. For its prevention in the interval he would rely upon the increased efficiency of the revenue police, which, as he understood, was about to be reorganized and placed on a better footing by the right hon. Gentleman. He would also rely upon a decision which had recently been come to with regard to the construction of the law by the Chief Baron of the Exchequer in Ireland. That decision, though it did not go the full length that had been anticipated, of throwing upon parties in whose possession suspected malt might be found, the responsibility of proving, that duty had been paid for it, imposed upon such parties the necessity of at least proving that it had been purchased from a licensed maltster; and even if it went no further, he thought the Excise department was thereby armed with a considerable additional power to counteract and prevent the evil; that, independently of his own opinion, and the opinion of that very intelligent commercial body the Chamber of Commerce of Dublin, whose petition he had just had the honour to present, he had been authorized by both his hon. Friends the two Members for Belfast, who had been obliged to leave town, to state, that they concurred entirely in the expediency of postponement, and that there was a general feeling to that effect among the maltsters, distillers, and brewers of the north of Ireland. He hoped, therefore, the Bill would not be further pressed.

Mr. *Ruthven* said, it was with extreme regret that he felt himself called upon to offer his most decided opposition to a Bill introduced under the sanction of his Majesty's Government, because he entertained the fullest confidence in the sincerity of their disposition to promote good government in Ireland. It was true, that many of the measures which they had brought forward during the present Session had fallen very far short of his expectations; yet, because they contained some measure of good, and because he regarded them as instalments of a great public debt, he gave them his humble but earnest support; but while he did so, he, at the same time, determined to persevere in the suit until the last farthing of his country's claims had been liquidated, and Ireland placed upon a footing of perfect equality with the remainder of the empire. The Bill before the House was of such a nature that he could not conscientiously support it. It did not contain a single ingredient of good, while it inflicted direct palpable injury upon one portion of the empire, which was entitled to equal protection with the remainder. He felt, as a Representative of one of the largest and most influential counties in Ireland, and owing, as he did, his return to the people, that he should betray the trust reposed in him—violate the solemn pledges which he had given to his constituents, and be unworthy of a seat in that House, if he permitted such a Bill to pass without giving it his most decided opposition. If the opinions he entertained upon this question rested upon no better foundation than his own judgment, he should hesitate before he resorted to any course which might have the appearance of factious opposition. But in order to ascertain how far his opinions accorded with the public feeling, he felt it his duty to address a letter to the people of Ireland, explaining his view on the subject; and he now came forward armed with their authority to resist the further progress of the Bill. He had received numerous communications, not only from his own constituents, but from persons connected with the malt trade in various parts of Ireland, expressing their strong disapprobation of the measure, and thanking him for the course he had adopted respecting it. The Chamber of Commerce of Dublin had, in the petition presented by the hon. Member for the metropolis of Ireland, called on the House not to pass the Bill, and the National Association of Ireland and the Trades' Union of Dublin, had expressed their opinions on the question in language too plain to be misunderstood. Under these circumstances he was quite willing to bear his share of the responsibility which the right hon. Gentleman, the Chancellor of the Exchequer, would impose on the Irish Members who called upon him to withdraw this obnoxious Bill. For his own part, he would at once say, that if the Chancellor of the Exchequer had not intimated his intention of withdrawing it, he would have resisted it, by every means which the forms of Parliament allowed; and if the right hon. Gentleman persisted in the determination he had expressed of going on with this Bill in the next Session of Parliament, if he stood alone, he would oppose it in every stage. The right hon. Gentleman had stated, as a justification of this Irish coercion bill, that smuggling prevailed to a very considerable extent in Ireland. He (Mr. Ruthven) did not deny that smuggling was carried on in that country; but he would maintain that it was not carried on to a greater, or perhaps as great an extent as it was in England and Scotland, as would be proved by documents which he would read with the permission of the House. The first to which he should call their attention was an extract from minutes of evidence taken before the Commissioners of Excise Inquiry, and to be found in the 15th Report, a later authority than that quoted by the right hon. Gentleman. In reply to a question respecting the smuggling of malt in England, Mr. Joseph Taylor, of Bishop Storford, maltster, gave the following answer:—

> "I think Government have never turned their attention sufficiently to protect the fair trader, and to prevent fraud; that an immense fraud is going on at this moment I am well aware. I am in the habit of seeing immense quantities of malt both in the country and in London, much of which is purchased in the London market, which I know never can have paid the duty, or it could not have been sold at the price."

The next witness to which he should refer was Mr. Edward Churk, of Ware, maltster:—

> "Is there in your opinion much evasion of the duty in England?—I can only say that at Ware we go justly to work; we work as closely as men can do; but malt frequently comes to market from Norfolk and Suffolk, and from the west of England, 5*s.* 6*d.*, and sometimes even 7*s.* a quarter under ours; then I should make allowance for our better quality; but one cause of malt being bad is the running the duty. I should say that, sup-

posing the difference to be 6*s*., half of it may be owing to the difference of quality; but I think the duty must have been evaded."

The hon. Member quoted a variety of testimony to the same effects. He then said, the right hon. Gentleman had stated that the maltsters of Ireland had memorialed the Treasury for a restoration of the old permit system. He did not deny, that a certain portion of that body would be anxious for any measure which might have the effect of restoring the monopoly which they formerly enjoyed. The Chancellor of the Exchequer was not perhaps aware that permits or covers in the old system could be purchased for any quantity of illegal malt at 2*s*. per barrel. But he begged the attention of the House to a very high authority on the subject of the permit system—namely, Mr. Guinness, the eminent brewer of Dublin. The evidence of that gentleman was contained in the same report.

> "Mr. *Guinness*—Would you propose to restore the old permit system?—No; I conceive that the old permit system was injurious to the fair trader, and ineffective in its operation.
>
> "In what way?—There were, during the operation of the permit system, two prices for malt of the same quality; for the purchaser of a cargo of malt who would receive a portion of it without permit could get that portion at a reduced price."

He would not trouble the House with further evidence on this point, but refer at once to the Report of the Board of Excise, in reply to the inquiry of the same Commissioners relative to the collection of the Irish malt duty, in which is to be found the following important passages:—

> "Upon a review of the operation of the Irish acts, as compared with the system now prevailing, no conclusion can be drawn so favourable to the former as to warrant the re-enactment of a separate malt law for Ireland, connected, as such a step would be, with the complaints and inconveniences, which in a great measure led to the adoption of the present assimilated regulations.
>
> "Upon a careful consideration of the whole subject, it is conceived that a recurrence to the old system, such as existed in Ireland previously to the consolidation, would be very obnoxious, and give rise to serious and perhaps well-founded complaints; and that no more effectual means can be resorted to for checking the progress of illicit malting in Ireland than the measures now in operation, which, it is confidently anticipated, will shortly be the means of convincing the dishonest trader that fraud cannot be profitably practised—that detection is almost inevitable, and that great pecuniary loss, if not ruin, will follow detection."

Again the Chairman of the Board of Excise, Sir Francis Boyle, corroborated the evidence to which he referred. That the statement of Sir Francis Doyle was correct would be at once apparent from the following returns of the duty paid in Ireland on malt during the years 1833 and 1834:—

1833	£245,000
1834	272,000

Showing, on a comparison of two years, an increase of 27,000*l*. in the duty paid into his Majesty's Exchequer, and yet they were told that smuggling had increased to a frightful extent in Ireland. If such an increase had taken place, how did it happen that Scotland exported (as appeared from a return which he held in his hand) 7,349 puncheons of whiskey to the port of London, from the 1st of January to the 7th of August, 1836, while Ireland, during the same period, exported but 355 puncheons? He also found from an official return that the penalties awarded against the English maltsters in 1835, amounted to 10,954*l*.; against the Scotch 6,565*l*.; while those against the Irish were only 1,024*l*. The inference to be drawn from this evidence was first, that there had not been such an increase of late in smuggling as had been stated, because, by the latest returns, it appeared that there was an increase of 27,000*l*. in the year 1834, as compared to the amount of duty paid on malt in the year 1833, while the exports from Ireland of whiskey to England, as compared with those of Scotland, were scarcely deserving of notice—secondly, that smuggling prevailed to an enormous extent both in England and Scotland, and to as great an extent (for all that appeared to the contrary) as in Ireland—thirdly, that this alteration in the law was in direct opposition to the recommendation of the Board of Excise, and opposed to the general feeling of the persons engaged in the trade. So that even upon the grounds taken by the right hon. Gentleman, there was no justification for the present Bill. But if all which the Chancellor of the Exchequer stated were well founded, he would still oppose this Bill, because it coerced one portion of the empire, while it left the other unfettered—because it applied a principle to Ireland which would not be extended to England—a principle which, in its operation would, be a gross violation of the liberty of the subject. Upon this point, however, he would not dwell further, as the right hon. Gentleman, he presumed, had abandoned the Bill; but, before he sat down he begged to suggest a short remedy "*for the more effectually securing the duty on malt*," not only in Ireland, but in England and Scotland. Let the right hon. Gentleman reduce the duty to half the present amount, and he would give a more effectual blow to smuggling than he could ever hope to accomplish by the most severe fiscal regulations.

Mr. *Sharman Crawford* said, that as the Irish Members had been appealed to by the right hon. the Chancellor of the Exchequer, he thought he might be permitted to make a few observations. He was perfectly aware, and he freely admitted, that the malt trade in Ireland at present was in a state highly injurious, if not positively destructive, to the interests of the fair dealer. He, however, felt compelled to solicit the Government not to press the measure, and to suspend any new legislation on the subject till next Session. It was his impression that the Bill, whilst it imposed penal enactments of a most offensive description, would not effect the object intended, and his chief objection to it was, that its application was limited to Ireland, and not extended to the other portion of the empire. If the enactments of the Bill would have the effect of suppressing the illicit manufacture of malt in Ireland, what would be the inevitable result? Why it would be offering a premium for the illicit manufacture and importation of malt from other parts of the empire into Ireland, and thus impose on the honest dealer annoying and vexatious regulations, without giving him any adequate protection. He (Mr. S. C.) was decidedly of opinion that no measure could be safe or useful which was not universal in its operation? and as there was not time to digest the details of the measure, he preferred its postponement. He was quite satisfied that all attempts at putting an end to illicit traffic would fail, except by reducing the duty. He called on them to remember that all the arbitrary enactments which were passed, and which the police, and even the army, were for a long time employed in the enforcement of, were ineffectual with respect to illicit distillation, till the duty was reduced—and what was more important, that reduction was followed by an actual increase of the revenue. But he objected to this Bill on higher and more important considerations. He objected to it, because it created a dissimilarity of legislation for Ireland as contradistinguished from the other portions of the empire. He objected to this practice, except under circumstances of clear and absolute necessity; but he objected to it, more especially, as it referred to penal enactments. If the system were continued, jealousy and irritation must be perpetually engendered, and every separate enactment afforded an argument and created a desire for a separation of the two Legislatures. He was of opinion that all minor considerations should be abandoned, and if, in particular instances, it should so happen that a degree of injury should be sustained, such partial injury would be infinitely more than compensated by the national benefit to be derived from the practical operation of uniformity in the laws of Great Britain and Ireland. He maintained that it was impossible that the minor and less wealthy country could have any security for her rights or interests when united in the same Legislature, except on the basis of uniformity of laws and institutions. The operation of this system of separate legislation was never more strongly manifested than by the effect produced on the public mind by the proposition contained in the Bill before the House. There never was a Government so popular in Ireland as the present—there never was one so deservedly so, and yet the Bill had produced an excitation of a most serious character. The Government was blamed even by their most warm and devoted supporters. Why was this? He answered because the Bill was partial, and because it was another sample of separate legislation. In justice, however, to the Government, he was bound to say, that they were not to blame on this occasion. He knew that pressing solicitations had been made for protection by persons of high respectability in the trade in Ireland, and he was aware that they contended that some measure should be passed during the present Session. He was convinced that the Bill was brought forward at the urgent entreaty of these parties, and he gave due credit to the Government for the desire they had manifested to acquiesce in the general opinion of the Irish Members on the present occasion. He also thought that it was unjust to charge any particular member of the Government with the unpopularity of this Bill from the incidental circumstance of his name having appeared on the back of it. He thought that at this particular period, when a great struggle was before them, that the principle of common legislation should be sustained and insisted on. What prospect had either country of a successful issue in that struggle, except by a complete union of interest and efforts? All minor considerations of partial interests or partial objects should be set aside, and Britain and Ireland should pull together in a combined and uncompromising demand for justice and for civil and religious freedom.

Mr. *Walker,* though individually in favour of legislation on this subject, was decidedly opposed to many provisions of the Bill. Under all the circumstances he recommended the postponement till next Session.

The *Chancellor of the Exchequer* said, that in accordance with the wishes of the Irish Members, so unanimously expressed, he would consent to defer the consideration of the question till that day three months.

Bill postponed.

PENSIONS' DUTIES BILL.] The Report on the Pensions' Duties Bill was brought up.

On the question that it be agreed to.

Mr. *Harcourt* thought it his duty to submit to the consideration of the House the Clause of which he had formerly given notice. If the effect of the present Bill was to impose for the first time a tax of twenty-seven and a half per cent. on the Parliamentary grant to the descendants of the illustrious Duke of Marlborough, the measure would do that which would be utterly inconsistent with the intentions of the Legislature which made the grant, and with the proceedings of that House in analogous cases during the last twenty years. It might be a small matter in itself, but was a great injustice. He was of opinion, that to deduct from a grant to an individual so eminently distinguished for his services to his country as the great Duke of Marlborough would be to deduct from the honour of the nation. The hon. Member referred to the services performed by the great Duke of Marlborough, in respect of which a pension of 5,000*l.* a-year and Blenheim House, and the lands attached to it, were settled on his family. If a stranger were to visit Blenheim, he would expect to find that lands commensurate with that magnificent structure were attached to it. But what was the fact? He could state, that the value of the manor of Woodstock and all the ground attached to Blenheim was not more than 3,000*l.* a-year. Whilst that House showed itself anxious to remove from the Pension List those names that had been unworthily placed there, they ought to draw a distinction between merited and unmerited pensions. He thought, that it would not become them to introduce a law for the first time, which affected with a duty the estate of the Duke of Marlborough. The hon. Member proceeded to compare the rewards assigned to the Duke of Marlborough for his services, and those assigned to others for similar services. If the historian were called upon to point out for public reward the men who, above all others during the last two centuries, had performed the most distinguished services, he would, undoubtedly, select the names of Marlborough, Nelson, and Wellington. He was not going to compare the rewards assigned to the Duke of Marlborough with those assigned to Nelson and Wellington; those assigned to the Duke of Wellington were much larger in amount, but not larger than the gratitude of the country was willing to grant. The pension of the Duke of Marlborough was one with which this country ought not to interfere. The hon. Member concluded by moving a clause to exempt, in conformity with the invariable practice in such cases, the Parliamentary grant of an annuity, settled in the reign of Queen Anne, on the descendants of John, Duke of Marlborough, on account of his eminent services, from all taxes and deductions whatsoever.

Sir *Robert Inglis* seconded the motion, on the grounds that the original grant was clearly intended to be free of all taxes and impositions whatsoever; and, because he did not think it would be doing justice to the memory of the great Duke of Marlborough to place the annuity enjoyed by his descendants on a different footing from the grants to the Duke of Wellington, Lord Nelson, Lord Amherst, and Lord Chatham.

The clause brought up and read. On the question that it be read a second time—

The *Chancellor of the Exchequer* said, the grant having been originally made by Parliament, the Government had no right whatever to take upon themselves the construction of the Act of Parliament, or to decide either in favour of or against the claim of the present Duke of Marlborough, to be paid the whole amount of the annuity without any deduction being made for land-tax. The question was one which the Treasury felt the Government had no right to decide, and, therefore, it was, that they had declined expressing any opinion on the subject, in order that the matter might finally be determined by that House, the only authority to whom it could properly be referred. If they were now about to grant a new pension, he did not think they should allow the land-tax or any other imposition to attach to it; but when there was evidence to show that this grant was originally made subject to land-tax, he did not think they would be justified in giving to the Act of Parliament a different construction from that which the framers of it intended it should bear. If the case were a doubtful one, he was ready to admit, that they should resolve the doubt in favour of the Duke of Marlborough. Under these circumstances, he would leave the case in the hands of the House, satisfied that he had vindicated the Government in declining to acquiesce in this clause, and because, if the boon sought for were granted, it would have additional value in the eyes of the Duke of Marlborough, because it would not be the Act of the Government, but of the House of Commons—because it would show that, by giving an enlarged and liberal meaning to the statute of Anne, the great services of his illustrious ancestor were as fresh in the memory of the people of this country at the present day as those of the Duke of Wellington must be in all times to come. Having now vindicated the course which the Treasury had taken, and stated the grounds on which he thought the House should view the question, he for one would be most happy to acquiesce in any determination to which the House might come.

Mr. *Francis Baring* thought, there were strong reasons for supposing that there was no intention on the part of the framers of the Act of Anne to relieve the grant to the Duke of Marlborough from the payment of land-tax. It might be all very proper to redress injustice; but if injustice had been done in the present case, all he could say was, that the evil could not be remedied by a clause construing an Act of Parliament, but ought to be removed by a distinct Act on the subject. It had been said, that the omission of land-tax in the exemption was the result of accident; but this he did not believe, because he thought the evidence was all the other way. From the year 1780 to the present time this had been the regular payment. If it was intended to carry the proposed object into effect, it would be more creditable to do so in the usual course, and not under cover of a clause such as that which had been submitted to their consideration.

Sir *T. Fremantle* was not prepared to contend that an additional grant should not be made in favour of the Duke of Marlborough's family, taking into consideration the altered value of money; but no case had been made out in support of the proposition submitted by the hon. Member, and he should certainly vote against it in its present shape.

Mr. *M. Attwood* thought, all pensions were or ought to be subject to the tax, and if some had hitherto escaped, it was time they were now taxed.

Mr. *Hume* opposed the clause. He certainly thought that when a pension had been granted it ought not to be reduced by any deductions such as those that had been referred to; but that was not now the question. He did not think there were any circumstances to justify them in giving an increased pension to the descendants of the Duke of Marlborough. He, therefore, would oppose the clause.

The House divided. The numbers were:—Ayes 37; Noes 35: Majority 2.

List of the AYES.

Attwood, M.
Barclay, D.
Bellew, Sir P.
Biddulph, R.
Bruen, F.
Byng, rt hon. G. S.
Campbell, Sir J.
Churchill, Lord C.
Dalmeny, Lord
Donkin, Sir R.
French, F.
Gordon, R.
Hobhouse, rt. hn. Sir J.
Hughes, W. H.
Lennox, Lord G.
Mackinnon, W. A.
Maule, hon. F.
Morpeth, Viscount
Morrison, J.
Murray, rt. hon. J. A.
Palmer, G.
Palmerston, Lord
Perceval, Colonel
Price, S. G.
Pusey, P.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Smith, R. V.
Stanley, E. J.
Steuart, R.
Stuart, Lord D.
Tancred, H. W.
Thompson, Alderman
Tynte, C. J. K.
Wall, C. B.
Woulfe, Sergeant

TELLERS.

Harcourt, G. G.
Inglis, Sir R. H.

List of the NOES.

Alston, R.
Baines, E.
Baring, T.
Bewes, T.
Blamire, W.
Bowring, Dr.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Brownrigg, S.
Butler, hon. P.
Collier, J.
Corbett, T. G.
Elphinstone, H.

Ewart, W.
Hawes, B.
Hodgson, J.
Horsman, E.
Hoskins, K.
Hotham, Lord
Hume, J.
Labouchere, rt. hn. H.
Leader, J. T.
Lushington, Dr.
O'Loghlen, M.
Potter, R.
Robinson, G. R.
Smith, B.
Thompson, Colonel
Thornley, T.
Tulk, C. A.
Wakley, T.
Warburton, H.
Williams, W.
Williams, W. A.

TELLERS.

Baring, —
Fremantle, Sir. T.

Clause read a second time.

On the motion that it be added to the Bill,

Mr. Warburton moved that the Bill be recommitted.

Mr. *Francis Baring* urged the hon. Member not to press his amendment. The sense of the House had already been taken on the question, and he would not be a party to any further opposition.

Mr. *Hume* complained that the House had been taken by surprise with respect to the clause. He should, therefore, support the amendment.

The *Chancellor of the Exchequer* said, that if the battle of Blenheim were as fresh in the memory of the House as the battle of Waterloo there would not be a word of objection to the proposed increase. He had felt bound to lean in favour of distinguished military services, and he gave the fullest credit at the same time to the Secretary of the Treasury for the having nobly and manfully vindicated the more economical view of the subject. He hoped the amendment would not be persevered in.

The House divided on the original motion:—Ayes 55; Noes 35: Majority 20.

List of the AYES.

Adam, Sir C.
Archdall, M.
Attwood, M.
Baines, E.
Barclay, D.
Baring, F. T.
Borthwick, P.
Brabazon, Sir W.
Browne, R. D.
Bruen, F.
Burdon, W. W.
Byng, rt. hon. G. S.
Clements, Viscount
Corbett, T. G.
Dalmeny, Lord
Donkin, Sir R.
Duncombe, T.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Gordon, hon. W.
Gore, O.
Goulburn, Sergeant
Grey, Sir G.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hobhouse, rt. hn. Sir J.
Hodgson, J.
Hughes, H.
Inglis, Sir R. H.
Jackson, Sergeant
Labouchere, rt. hn. H.
Lennox, Lord G.
Maule, hon. F.
Morpeth, Viscount
Murray, rt. hon. J. A.
Neeld, J.
O'Brien, C.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Viscount
Perceval, Colonel
Price, S. G.
Pusey, P.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Sibthorp, Colonel
Steuart, R.
Stormont, Viscount
Stuart, Lord D.
Tancred, H. W.
Thompson, Alderman
Tynte, C. J. K.
Woulfe, Sergeant

TELLERS.

Smith, V.
Stanley, E. J.

List of the NOES.

Alston, R.
Bewes, T.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Brownrigg, J. S.
Butler, hon. P.
Callaghan, D.
Collier, J.
Elphinstone, H.
Ewart, W.
Hall, B.
Hawes, B.
Hindley, C.
Horsman, E.
Hoskins, K.
Hotham, Lord
Hutt, W.
Leader, J. T.
Lushington, Dr.
Lushington, C.
O'Loghlen, M.
Potter, R.
Robinson, G. R.
Smith, B.
Thompson, Colonel
Thornley, T.
Tooke, W.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Williams, W.
Williams, W. A.

TELLERS.

Warburton, H.
Hume, J.

Question again put.

Mr. *Warburton:* As the House had been taken by surprise, he should feel himself justified in moving adjournment after adjournment, until the question should be finally disposed of. With the view of closing the discussion on it for the present, he would move that the further debate be adjourned till to-morrow.

The *Chancellor of the Exchequer* denied that the House had been taken by surprise inasmuch as a notice on the subject had appeared on the votes since last May. He thought the better course for the hon. Member to adopt would be to take the sense of the House on the question when the Bill came on for the third reading.

Mr. *Robinson* did not see what objection could be made to duties, the payment of which had not been objected to by the person to whom the pension was originally granted.

Mr. *Wakley* wished to know if this clause was agreed to whether it was the intention of Government to pay the arrears of the pension for the time past, as well as to remit the duties for the future? If they were remitted for the future it was an admission that they had hitherto been unjustly received, and the non-payment of the arrears would be direct robbery. Either this was the view which should be taken of the case, or else the proposition was to give an additional pension of 800*l.*

a-year without any inquiry whatever. He hoped the hon. Member would persist in his motion for adjourning the debate.

The *Chancellor of the Exchequer* begged to remind the hon. Member for Finsbury that this clause was not brought in by Government. It would not have a retrospective effect, and consequently no arrears could accrue.

Mr. *Hume* said, as no intimation of the proposition was given to the House he should say they were taken by surprise in being called on to grant a new pension of 800*l.* a-year to the Duke of Marlborough. This was a grant that should be considered, and they only asked for time—say even until to-morrow.

Lord *J. Russell* said, it was a most unjust charge to make, that the House was taken by surprise. The case was not of that peculiar character that required particular notice to be given by the Government. To say that this was a new grant of 800*l.* a-year to the Duke of Marlborough was, to say the least, a strange and not creditable error. If it were so, the case would indeed have been altered. The question was whether, as pensions had been granted to many individuals for public services, naval and military, such as Nelson and Wellington, and as deductions on the ground of public expediency had been made from the pensions of these persons, the same rule would not apply to the present Duke of Marlborough? He thought that it was shown in the course of the debate that it could not. The noble Duke's ancestor had earned this pension well, and he for one would not defame his memory by curtailing the pension. As a proof that this was not really a Government question he would say that the President of the Board of Trade and the Attorney-General voted against the rest of the Government upon it. As the House would have another opportunity of discussing the subject, on the third reading, he hoped they would allow the second reading.

The House divided on the question of adjournment. Ayes 33; Noes 61: Majority 28.

List of the AYES.

Aglionby, H. A.
Baring, T.
Bewes, T.
Blake, M. J.
Blamire, W.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Butler, hon. P.
Callaghan, D.
Collier, J.
Elphinstone, H.
Ewart, W.
Hawes, B.
Hindley, C.
Hoskins, K.
Hotham, Lord
Leader, J. T.
O'Brien, C.
O'Loghlen, M.
Potter, R.
Robinson, G. R.
Smith, B.
Thompson, Colonel
Thornley, T.
Tooke, W.
Tulk, C. A.
Wakley, T.
Wall, C. B.
Williams, W.
Williams, W. A.

TELLERS.

Hume, J.
Warburton, H.

List of the NOES.

Adam, Sir C.
Archdall, M.
Baines, E.
Barclay, D.
Baring, F. T.
Borthwick, P.
Bruen, F.
Burton, H.
Byng, right hon. G. S.
Clements, Viscount
Cockerell, Sir C.
Corbett, T. G.
Dalmeny, Lord
Donkin, Sir R.
Duncombe, T.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
French, F.
Gordon, hon. W.
Goulburn, Sergeant
Grey, Sir G.
Hamilton, G. A.
Hamilton, Lord C.
Harcourt, G. G.
Hobhouse, rt. hn. Sir J.
Hodgson, J.
Horsman, E.
Howick, Viscount
Hughes, W. H.
Inglis, Sir R. H.
Jackson, Sergeant
Jones, T.
Law, hon. C. E.
Lennox, Lord G.
Lincoln, Earl of
Maule, hon. F.
Methuen, P.
Morpeth, Viscount
Murray, rt. hon. J. A.
Neeld, J.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Viscount
Perceval, Colonel
Price, S. G.
Pusey, P.
Rice, rt. hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Russell, Lord J.
Seymour, Lord
Sibthorp, Colonel
Smith, R. V.
Stormont, Viscount
Stuart, Lord D.
Tancred, H. W.
Thompson, Alderman
Trevor, hon. A.
Tynte, C. J. K.
Wood, C.
Woulfe, Sergeant

TELLERS.

Stanley, E. J.
Steuart, R.

The Clause added to the Bill, and the Report received. Bill to be read a third time.

SUPPLY—(MUSEUM).] The House went into a Committee of Supply.

Sir *R. Inglis* moved a grant of 21,974*l.* to meet the expenditure of the British Museum up to Lady-day, 1837. He did not anticipate that so important and beneficial a grant would meet with any opposition. The great advantages to be derived from this national institution were becoming every day more generally felt. Since its opening, the number of visitors had increased in the proportion of four to one, and that of the readers in the Library in the proportion of thirty to one.

Mr. *Hawes* congratulated the House on

the statement just made by the hon. Baronet. He begged leave to observe, however, that from the Report of the Commissioners, he was at a loss to understand exactly at what hours the Museum was to be open. Upon that point he wished to be informed, and also whether there was any probability of a more perfect catalogue being provided, for it was certainly very much needed. He had also to observe, that he did not think 500*l.*, as specified in the grant, sufficient for supplying moulds to the French Government for taking casts of the Elgin marbles, and it would be pitiful to make that Government pay for them.

Sir *R. Inglis* said, that it was intended to keep the Museum open during the months of May, June, July, and August, from nine in the morning until seven in the evening, and during the rest of the year at the usual hours. He believed a perfect catalogue would be ready before the end of the year, but the Commissioners feared they could not carry their plans into effect without some assistance from the Chancellor of the Exchequer.

The *Chancellor of the Exchequer* said, the Treasury would be always ready to assist the Commissioners, if they made out a proper case.

Vote agreed to.

NATIONAL EDUCATION (IRELAND).] On the question that a sum not exceeding 38,500*l.* be granted for the advancement of education in Ireland,

Mr. *Sergeant Jackson* said, he could not give a silent vote upon the proposed grant. It was understood that there was to be another vote of 11,000*l.* in addition to an outlay of a similar sum for remodelling Tyrone House. He considered the vote as a most extravagant one, but he did not rise so much on that account as for the purpose of expressing his unqualified disapprobation at the mode in which this system of education was worked in Ireland. The system was not conducted on the plan originally proposed by the noble Lord (Lord Stanley). It was stated by that noble Lord to be intended as an united system of education—modelled on religious education. Now, he would take upon himself to say, that this system, so far from being an united system, was exclusively Roman Catholic — he did not mean to say, that there were not a few Protestants attending the schools—but he maintained that the great body of the persons attending them were of the Roman Catholic persuasion. He could also state, that schools were under such superintendence that it was utterly impossible that Protestant parents could send their children to be instructed at them. It was placed beyond all controversy that twenty-four of the schools receiving aid from the Education Board were placed under the superintendence of monks and nuns, and he would put it to the House whether, under such circumstances, it was not quite a farce to suppose, that a united system of education could be imparted to Protestants and Roman Catholics? In that respect the experiment had been an utter failure, inasmuch as neither Protestants nor Presbyterians could conscientiously permit their children to attend schools conducted as these schools necessarily must be. He did not mean to divide the Committee upon the grant—but he hoped an investigation would be instituted to ascertain how far the rules had been adhered to, and how far the children of various persuasions were in the course of receiving education at these schools. He was afraid the result of the inquiry would prove that, under the present plan, it was impossible to carry on a system of united education. So exclusively Roman Catholic were these schools in their character, that they were familiarly called the priests' schools—and he complained of that state of the new system of education, because the Protestants of the country ought to be more regarded. This system, being exclusively Roman Catholic, he saw no reason why Parliament should not allocate some funds for the instruction of the Protestants. The Protestants of Ireland had been considerably underrated, and he had not the least doubt that they amounted to 2,000,000. [*Laughter from the Ministerial Benches.*] Hon. Gentlemen might laugh, but he had data to prove that to be nearly the actual number. But, at all events, the Protestants of Ireland were a body sufficient to demand respect, and he trusted their interests would not be wholly slighted. He must again express a hope, that an investigation might be instituted—the rather as the hon. Member for Weymouth (Mr. F. Buxton), not then in his place, had stated, when the appropriation clause was under discussion, that he would not consent to it unless the charges preferred against the Board of Education should be investigated and proved to be groundless.

Dr. *Bowring* protested against any religious distinctions being drawn between the people of Ireland when they were legislating for the general good.

Colonel *Sibthorp* said, his hon. and learned Friend had complained of that very practice; he had complained that the schools had been made exclusively Roman Catholic.

Mr. *Chisholm* said, the Government of the country was a Protestant Government, and, therefore, the Ministry was bound to support the Protestant Church and system of education. It was against popery that Protestants especially protested, and as long as he had the honour of a seat in that House he should never forget that essential principle of Protestantism.

Mr. Sergeant *Woulfe* thought, the hon. and learned Member for Bandon might as well have said the Protestants of Ireland were 3,000,000 as 2,000,000. It would have been much more satisfactory if he had laid his finger on any particular parish, and proved the inaccuracy of the Commissioners' returns in respect to the number of Protestants. It was true that the schools were called "priests' schools," but only by those Protestants who had done everything to keep up party distinctions, and to defeat the efforts which had been made to render the system of education united and generally acceptable.

Colonel *Perceval* said, he considered that the hon. and learned Sergeant had been rather more severe upon his hon. and learned Friend the Member for Bandon, than the circumstances warranted. The hon. and learned Sergeant accused his hon. Friend of dealing too largely in assertion, and on the instant the learned Sergeant dealt more largely in assertion himself than had his hon. Friend near him. The hon. and learned Gentleman had asserted that the opposition to those schools emanated from his hon. Friend the Member for Bandon; but the fact was, that the Protestants of Ireland ceased to attend these schools because they were held in Roman Catholic chapels. He could state an instance of his own knowledge. He had named it before, and had no objection to do so again. The school to which he alluded was held in the chapel of Ballymoate, the parish in which he resided. He had himself visited the school, and he supposed it would not be denied that it was one of the rules of the Education Board that no religious books or catechism should be used. Now the first book he took up in the school was a Roman Catholic Catechism. As to the number of Protestants in Ireland being considerably underrated, he would beg leave to give a reason for coinciding in the opinion as to that point expressed by his hon. and learned Friend. In the parish in which he (Colonel Perceval) resided, the Roman Catholic priest returned only one Protestant for the whole parish, and that one was himself. He happened to have a wife and nine children, not one of whom was a member of the Church of Rome. He had at the time upwards of thirty Protestants residing within the walls of his demesne, including his family, gate-keeper, &c; and he could add that he was present at the parish church last Easter Sunday, when he saw 180 Protestant communicants; and still the priest's return was limited to one Protestant, and that one he himself was. So much for the accuracy of the returns. He hesitated not to say, that if the grant were worded perfectly, it should be headed "a grant for the Education of the Roman Catholic population of Ireland." As it was it was absurd to call the system a united system.

Viscount *Morpeth* wished to know if the Commissioners adopted the particular return alluded to by the hon. and gallant Member.

Colonel *Perceval* believed that they did not; but there were places in Ireland where the testimony of the Roman Catholic priest on this and other subjects was implicitly relied on.

Lord *Clements* was sure, that if the Education Board had been made acquainted with the case, they would have interfered.

Mr. *French* wished to call the attention of the Chancellor of the Exchequer to the fact, that 50,000*l.* was the sum agreed upon as the amount to be granted for education in Ireland, and he regretted that sum was not the amount to be voted at present. By the Report of the Commissioners it appeared that 400 applications for Sunday schools had been made, but owing to want of funds they were unable to comply, and the Commissioners were also unable to procure proper teachers for the schools, owing to the limited sums they were at present able to give them.

Mr. *Dillon Browne* said, the grant was opposed solely to obtain an opportunity for calumniating the Catholics.

Colonel *Perceval* denied that he had calumniated the Roman Catholics. He stated that the priest returned to a constable named Thompson the return of the Protestants in his (Colonel Perceval's) parish, and that return amounted only to one. Thompson returned the statement on oath.

Mr. *Shaw* agreed with those hon. Friends who had preceded him, that at that advanced period of the Session, and in the then thin state of the House, it would be in vain to divide against the grant to the Board of National Education in Ireland. He could not, however, content himself without again recording his opinion against the system pursued by that Board, as one which was opposed to the conscientious feelings of the great majority of the Irish Protestants, and which he believed never could promote united education in that country. He could, if it were not unnecessary to trouble the House with them at that time, adduce innumerable instances in which the rules of the Board were violated in the schools in connexion with them. He did not mean to say, as seemed to be assumed by his noble Friend (Lord Clements), as the argument of those who agreed with him (Mr. Shaw), that the Board refused to listen to complaints on that subject. That was really not the question. The insuperable objection in his (Mr. Shaw's) mind, to the system was, that it formed a fundamental part of it that the Bible, in its simple and entire form, was excluded from the national schools, when alone they could be considered as such. If it was said, that extracts were allowed, his answer was, that that would not obviate the objection, even if those extracts were fairly made; but he was bound to add that they were not, in his opinion, fairly made, but such as might justly be termed garbled. He was as desirous as any one could be for the success of an united and harmonious system of education for the poor in Ireland; but he was persuaded that such a system, so far as regarded Protestants, never could be successful if based upon the anti-Protestant ground of the exclusion of the Word of God. For his part, he had no doubt that the plan of the Kildare-place society would before then have been generally adopted and successful throughout Ireland, but for the party and political motives which influenced the opposition it had met with. Of one thing he was sure, that without the help of the appropriation clause in the Irish Tithe Bill, there was no desire on either side of the House to refuse from considerations of economy, whatever sum of money might be required for the purpose of education in Ireland. He would certainly prefer that separate grants should be made to Protestants and Roman Catholics, if no system of united education could be agreed upon, rather than that the present delusion should be countenanced of supporting under the name of a system of general education, a scheme which virtually excluded from its benefits the poor Protestants of Ireland.

Mr. Sergeant *Jackson* said, that the hon. and learned Member for Cashel had made some personal allusion to him, and he therefore felt bound to offer a few observations in reply. If that hon. and learned Gentleman had been in his place on a former occasion, he would have heard him expose the erroneous nature of the returns which the Commissioners of Public Instruction had made to that House. He contended that the returns made by the Commissioners of public Instruction were not deserving of the credit which they too frequently received; and, in his opinion formed no safe ground for legislation. He should trouble the House with but one or two examples to show how little they were to be depended on. Upon a former occasion he stated that a parish in Kerry—the same arish in which the hon. and learned Gentleman who now represented Kilkenny resided—had been returned by the Commissioners as containing but forty-nine Protestant inhabitants, which was one under the number that, according to a Bill of which the House must have full recollection, would be required, to secure to a parish the benefit of Christian instruction by a minister of the Church of England. Now it happened that very shortly after those returns were in the hands of Members he was handed a letter by his friend, the Knight of Kerry, informing him, on the authority of the clergyman of that parish, that the number of members of the Church of England resident therein, amounted to fifty-six at the time the returns were made, and had since then been augmented to sixty-three. He had likewise called the attention of the House to the case of a parish of which the son of the Lord Chancellor of Ireland was the incumbent, and in that return 300 Protestants of the Established Church were suppressed. The census of one of the parishes in Dublin was taken in July, when the greater part of the Protestant inhabitants were at the watering place of Bray, and the census of the parish of Bray was taken in October, when they had all returned to town, so that no place got credit for possessing that portion of the Protestants of Ireland. Another instance he was supplied with by Mr. Barnard, in which the return made by the Commissioners was fifty under the number of Protestants actually residing in the parish. Every person must be aware, that it must be much more easy to ascertain the precise number of schools in Ireland than to obtain anything like a correct census of the Protestant population, scattered as they were over the whole face of the country. Now, the Commissioners returned the number of schools, in connexion with the Kildare-place Society, as amounting altogether to only 235, whereas to his (Mr. J.'s) positive knowledge they exceeded 1000. Their return set forth, that in three dioceses there was not a single school in connexion with the Society; whereas in the very district named there were 300 schools, being a larger number than the Commissioners gave the Society credit for having in all Ireland. Now, where a blunder of such a nature was manifest, it was not unreasonable to suppose that errors to an enormous amount had crept into the census of the Protestant population. With respect to the charge preferred against him by the hon. and learned Member for Cashel, of keeping away children from the school, he denied having ever interfered to keep a single person away from them. The hon. Member for Mayo had said, that the grant was opposed solely with a view of calumniating the Roman Catholics. It had never been his (Mr. Sergeant Jackson's) habit to calumniate any person, and least of all had he that night calumniated the Roman Catholics.

Viscount *Morpeth* observed, in reply to the hon. and learned Gentleman who spoke last, that he had thought the testimony already laid before the House on the subject of the parish in Kerry would have been considered quite sufficient; he thought before, as he did now, that the difference between forty-nine and fifty-six being only seven, had been sufficiently accounted for, and he should therefore not trouble the House with any remarks on the subject. As to the discovery which the hon. and learned Gentleman made with respect to the parish at Bray, he wished him joy of it, and hoped that on some future occasion he would explain to the House how it was possible for persons to be returned as in a parish which at the time the return was made they did not inhabit. The right hon. Gentleman opposite, the Member for the University of Dublin, had represented the version of the Scriptures used in the Schools under the sanction of Government, as consisting of garbled extracts; to that he begged permission to observe in reply that much higher authorities in matters of religion than the right hon. Gentleman held a totally different opinion, and by those authorities he felt much more disposed to abide than by the assertion of the right hon. Gentleman.

Mr. Sergeant *Woulfe* wished to say, that what he had charged some hon. Gentleman on the other side with was, having proclaimed to the Protestants of Ireland that the Government system of education was subversive of their faith. They complained that the Protestants were supplied with nothing but a mutilated version of the Scriptures, and they certainly did all they could to prevent Protestant children from attending the Schools.

Mr. *Shaw* must insist, notwithstanding the observations of the noble Lord (Lord Morpeth) that he had properly termed the extracts made by the Education Board garbled, at least as compared with the authorised version of the Scriptures. He believed, that in nine cases out of ten when the authorised and Rhemish versions differed, the latter had been followed by the Commissioners. The noble Lord boasted of the Board containing able scholars and divines —that might be true—but would the noble Lord venture to assert that such a Board as that was to be regarded by the Protestant people of these countries as a tribunal competent to undertake the great and important work of a new translation of the Bible of the Church of England?

Mr. *Archdale* considered the establishment of a national system of education had been hitherto proposed and maintained as an experiment—that the experiment had proved a complete failure—and to ask for it now the support and protection of the Legislature, was to ask, that the public money should be largely applied for the gratification of the Roman Catholic priests, and the propagation of Popery in Ireland.

The scheme had been rejected and denounced both by the Protestants of the establishment and the Presbyterian Church, and was notoriously perverted—if it could be called perversion, and not the natural operation of the system—for the purpose of extending the dominion of the Church of Rome. He perfectly agreed with his gallant Friend (Colonel Perceval) that it would be better if the Roman Catholics must have money, to let them have it avowedly for the support of their own unscriptural and superstitious system. He (Mr. Archdall) did not consider it possible that the religion of Scripture, and that of human authority and tradition, could be brought together into one common system of national education—the former would be corrupted by the foul contagion, and the result would be to endanger the existence of true religion.

Vote agreed to.

MAYNOOTH.] On the proposition that a sum of 8,928*l.* be granted for the Roman Catholic College at Maynooth,

Colonel *Perceval* observed, that he had repeatedly recorded by his vote his objection to the proposed grant; and he entertained as strong an objection to it at present as at any former period. His hon. Friend the Member for Durham, had given notice of a motion for next Session, when he intended to move for a Committee to inquire into the system of education pursued at Maynooth College. He hoped, therefore, his hon. Friends would not then insist upon a division; if they did, he should certainly feel it his duty to record his vote against the motion, but he trusted that under the circumstances they would not take the sense of the House.

Mr. *Arthur Trevor* said, he for one certainly should take the sense of the House on the question. It was true, that he had given notice of the motion which his hon. and gallant Friend had just mentioned, but that should not restrain him from taking any opportunity of supporting the rights of the Protestants of Ireland—rights which he thought were much neglected.

Mr. *Shaw* hoped his hon. Friend would not divide the House upon that grant. It was, at all events, in one respect unlike the grant proposed for National Education in Ireland—there was no disguise about it. He deprecated the system of Maynooth as conferring neither benefit on the country nor credit on the Roman Catholics themselves. He thought it demanded a searching inquiry, and he hoped such an inquiry would be granted; but he owned that, considering the circumstances under which this vote was brought forward, that it had been sanctioned by various governments, and that many persons were dependent upon it for support, he did not think it would be reasonable to put a sudden stop to it.

Mr. *A. Trevor* begged his right hon. Friend, the Member for the University of Dublin, to believe, that he entertained the highest respect for any recommendation coming from him, but he had presumed his right hon. Friend knew him well enough to expect, that when once he took a thing into his head he was not to be moved from his purpose.

Mr. *Hamilton* said, that an inquiry into the whole system of Maynooth College, and especially of the system of education pursued there, was, in his opinion, loudly and imperatively called for, and he regretted very much, that the hon. Baronet, who had given notice of a motion for such an inquiry, had not been able to follow it up. As an individual Member of this House, he felt bound to raise his voice against a grant of public money for the advancement of a religion, and for the promulgation of doctrines which, as a Protestant, he conscientiously believed to be erroneous. He fully concurred in the observations which fell from the hon. Member for Southwark on a recent occasion, that where one set of men differed from another in essential matters of religion, and were sincere and honest in that difference, and believed that it involved principles of great importance, whatever they might profess, it was impossible but that, believing those others to be wrong, they must be anxious not only to convince them of their error, but to prevent the promulgation of that error; and they ought not, therefore, in his opinion, to be parties to its advancement or extension. It surprised him that hon. Members on the other side of the House, especially those of the Roman Catholic persuasion, who were so ready to condemn the connexion of Church and State—to declare that they should consider their religion contaminated by such a connexion, and who, not satisfied with dealing with their own religion as they pleased, should be so forward in endeavouring to free the religion of others from that supposed contamination, by effecting its separation from the State. He confessed he was surprised that persons holding these opinions should consent to owe the education of their clergy to a public grant from the State.

Captain *Boldero* said, that this was the best of the whole eight and twenty grants. When the Roman Catholics were in the habit of taking money for education, they might the more readily take stipends for their clergy, and thus there would be an end to the influence of the crafty priest and the cunning agitator.

Mr. *Sergeant O'Loghlen* begged to ask the hon. Member, as he had placed his opposition on such grounds, whether he could consent to make a grant of money for Roman Catholic or for Protestant Dissenting places of worship?

Mr. *Hamilton* said, if he understood the question rightly, he had no hesitation in answering it. He might vote for those Protestant Dissenters whose opinions did not appear to him wrong in essentials; for the others he could not, because he did think them wrong in essentials.

The Committee divided:—Ayes 51; Noes 10: Majority 41.

List of the Noes, *(Not Official.)*

Alsager, Captain
Archdall, M.
Borthwick, P.
Gordon, Captain
Hamilton, W.
Hamilton, Lord C.
Hodgson, J.
Perceval, Colonel
Sibthorp, Colonel
Stormont, Lord

TELLER.
Trevor, hon. A.

Public Works—Ireland.] On the question that 3,140*l.* be granted for the promotion of Public Works in Ireland,

Mr. *French* moved, that the sum of 210*l.* for the probable cost of works on the Upper Shannon should be struck out. It was, he considered, sufficient that the interests of the country should be neglected, without consulting them by this pitiful grant. 50,000*l.* expended on the Upper Shannon would render the entire river, from Lower Allen to the sea, navigable for vessels of fifty tons. Colonel Burgoyne, the intelligent Chairman of the Board of Works, considered it could be done for a considerably smaller sum, but declared, in his evidence before a Committee of that House in 1834, that if it required that sum, or double the amount, as a matter of public policy he would decidedly recommend its outlay. The Government was ready to adopt the recommendation of committees in all cases where it went to diminish the assistance for Ireland, as was proved by the annual diminutions of the miscellaneous estimates. But the Report of the Committee of 1834, recommending a very different course, was not attended to; that Committee had declared, that a very large portion of the river, that part of it for which the present grant was proposed, was in the hands of the Government, and in a very unsatisfactory condition, and recommended that Government should be called on to put that part into an efficient state for the purposes of trade, and to fulfil the obligations to which they appeared to be equitably subject. The navigation from Athlone to Lower Allen was in the hands of Government, who had not even taken the pains to complete the works they had themselves begun, and the Committee reported they felt themselves entitled to recommend the House to call on the Government to alter and improve this part of the river, as its present inefficient state must be owing either to their supineness in not providing for repairs, or to an original defect in the contract, for which the officers of Government were responsible. All these recommendations were unheeded by the right hon. Gentleman, and, in place of 51,000*l.*, his Majesty's Government substituted 210*l.* He, on the part of his country, objected to it with scorn. The right hon. Gentleman had pledged himself more than once that a grant would be proposed to a considerable amount for the improvement of the Shannon during the present Session. He did so several months ago, on a motion brought forward by his noble Friend, the Member for Leitrim. At a later period, on a motion of his own, the right hon. Gentleman had assured him that he was prepared to act this Session. His answer was the same to a question put by his hon. Friend, the Member for Limerick. He regretted to be obliged to state, the interference of the right hon. Gentleman had been fatal to every measure for the improvement of Ireland since he had a seat in that House. A Bill was about to be brought forward with the sanction of the Committee for the improvement of the Shannon. The right hon. Gentleman volunteered to bring it forward. It was given to him. After several months' delay it made its appearance in a totally different shape; not such a Bill as the Irish Members had a right to expect—not a Bill founded on the recommendation of the Committee—nor such a Bill as the interests of Ireland required. But even the trifling benefits that could be expected from this Bill were, by his management, postponed. A Bill for the construction of a bridge over the Shannon, at Athlone, was prepared by him. The right hon. Gentleman requested him to confide it to his (the Chancellor of the Exchequer's) care, as it was a money bill, pledging himself to carry it through. He did so, and the right hon. Gentleman had not brought it forward, and, in all likelihood, never would. The Public Works Bill had been promised by him from Session to Session—from day to day; he had named four distinct days on which to bring it forward, and it had not been yet produced, and he thought he might venture to predict it would not be a satisfactory measure whenever it should make its appearance. The hon. Member concluded by moving, that the sum of 210*l.* be struck out of the grant.

The *Chancellor of the Exchequer* said, he thought the proposition a most extraordinary one. Because the hon. Member for Roscommon could not get all he wanted, he refused to take anything. Anxious as he was personally for the improvement of the Shannon, he would not ask Parliament to grant a single penny until the local proprietors had subscribed their quota. He had been charged with not bringing in a Bill upon the subject; he held the Bill in his hand, and intended to move for leave to bring it in the moment the House resumed.

Lord *Clements* was sorry his hon. Friend (Mr. French) proposed to strike out the sum requisite for keeping the works in repair, though he perfectly agreed with him in the justice of the remarks he had made. He objected to having the navigation of the river placed under the control of the Government, and he was confident, that the trade of the river, if left to private individuals, would pay all the expense of improving the navigation.

Mr. *French* said, that the right hon. Gentleman, the Chancellor of the Exchequer, had distinctly pledged himself to bring forward a measure for the improvement of the broad waters of the Shannon during the present Session, in his reply to his motion to inquire into the tributaries. If the right hon. Gentleman was disposed to redeem his pledge, he was perfectly aware that no report from the Commissioners was required. There was no land to be valued, nor any damages to be estimated. He denied, that the right hon. Gentleman was either deeply or personally interested in the improvement of the Shannon. He had no connexion whatever with it, the right hon. Gentleman's property all lying below Limerick. The right hon. Gentleman had done a great deal for Limerick, where he was deeply and personally interested, but nothing for the navigation of the Shannon.

Amendment negatived. Vote agreed to. The House resumed.

HOUSE OF LORDS,

Tuesday, August 9, 1836.

MINUTES.] Bills. Read a third time:—Turnpike Roads Acts continuance.—Read a second time:—Assessed Taxes; Spirits Excise; Court of Exchequer, (Scotland); Foreign Lotteries; Gold and Silver Plate (Scotland); Ecclesiastical Appointments Suspension; Western Australia.

Petitions presented. By Lord LYNDHURST, from Penryn and Falmouth, against Stannaries Bill.

COMMON FIELDS ENCLOSURE.] Lord *Ellenborough* moved, that the House resolve itself into a Committee on the Bill for enclosing common arable and meadow fields. If the objections which had been made to the Bill were not obviated by the amendments which he meant to propose, he should be ready to agree to any suggestions which noble Lords might think proper to introduce for that purpose. The Bill, he ought to observe, was not intended for the enclosure of waste lands, but of lands that were already cultivated. He should, on this occasion, state his amendments, which might be taken into further consideration on Thursday next, if convenient. The noble Lord then briefly explained the nature of his amendments. One of them rendered it necessary that before lands of the description contemplated by the Bill were enclosed, the consent of two-thirds of the proprietors, as well in number as in value, should be procured. Others provided for the election of an umpire in case of dispute, and for the course of proceeding which, under particular circumstances, was to be adopted by the Commissioners.

Lord *Holland* expressed a hope that some waste space near large towns would be preserved, for the comfort and benefit of the inhabitants.

Lord *Ellenborough* said, that with the amendments which he proposed to introduce, wastes could not be enclosed under the Bill.

Lord *Lyndhurst* observed, that common fields under cultivation could not be enclosed within a circle of ten miles round the metropolis, and he thought that it would be proper to adopt the principle with respect to large towns, providing that no enclosure of that nature should be allowed within a circle of five miles.

Lord *Ellenborough* was of opinion, that if such a proposition were agreed to, it would be better for their Lordships not to pass the Bill.

The Duke of *Richmond* was of opinion, that when these amendments were printed, the best course to be pursued was, to refer the Bill to a Select Committee.

Lord *Ellenborough* said, it was certainly to be regretted, that the Bill had come up to their Lordships' House at so late a period of the Session. The noble Duke would recollect, that when he (Lord Ellenborough) introduced two Bills, having the same object, he had willingly agreed that they should be referred to a Select Committee. But his apprehension was, that if the present Bill were referred to a Select Committee, at this very late period of the Session, they would not be able to report in time, so as to carry the Bill before the Prorogation.

The Bill went through the Committee, and was reported with amendments.

Court of Session (Scotland).] The *Lord Chancellor*, in moving the second reading of the Court of Session Scotland Bill, stated, that its object was, to carry into effect the recommendations contained in two reports of the Law Commissioners for Scotland. The Bill was one almost entirely of details, and would be better considered in Committee than on the second reading. It could not be said, that the Bill was not a sufficient length of time before Parliament, to enable those who were most interested in its provisions, to judge of their propriety and necessity. Ample time had been afforded to those parties to form a just opinion of its merits. The Bill was brought into the House of Commons on the 30th of March, and having slowly gone through all the intermediate stages, it was read a third time and passed on the 29th of July. It was worthy of remark, that although it had been so long in the House of Commons, the measure had not undergone any material alteration. The Bill had, therefore, been before the judges and the practitioners of Scotland ever since April last. The great object of the measure was, to save the expense to which suitors in the Court of Session were now subjected to in the shape of fees; and the saving which it was confidently believed the Bill would effect would amount to from 15,000*l.* to 19,000*l.* a-year, being one-fourth part of the whole of the fees exacted in the Court of Session. He trusted, as such was the object of the Bill, that their Lordships would proceed with it, unless some very cogent reasons were advanced in opposition to it. The effect of the Bill would be, to put an end to unnecessary offices, to put an end to unnecessary patronage, and to render more economical the proceedings in the Court of Session. As the arrangement now stood, a most important branch of business (where the validity of legal instruments was disputed) was confided to the decision of the junior judge. Why such an arrangement had been made, or how matters of such moment came to be confided to the junior judge, it was not his intention to inquire. But it was deemed necessary to alter the system; and the Bill provided, that the junior judge should no longer be intrusted with that exclusive jurisdiction, but should take his turn with the other judges. Another point aimed at by the Bill was, to equalize the pressure of business; for, under the existing arrangement, some of the judges were overloaded with business, while others had comparatively little to do. It was found also that the officers attached to the Court were more numerous than was required. Therefore it was proposed, that the six assistant clerks should be reduced to four, who, instead of being paid by fees, should receive a fixed salary of 300*l.* per annum each. These provisions were distinctly recommended by the reports to which he had referred. It was further provided, that the six depute clerks of Session in the outer House, and their six assistants, should be reduced to five depute, and five assistant clerks. There were other matters of minor detail, with which he did not think it was necessary to trouble their Lordships, and which would, perhaps, be better considered in Committee. But he might be permitted to state, that a great reduction would be effected by the Bill in the extractors' department, that department through which extracts from the proceedings of the Court were procured. There were, at present, four extractors and eight clerks; but it was considered proper, and so the Commissioners had reported, that there should be only one principal extractor, with an assistant, and that they should employ such and so many persons in the labour of writing, as circumstances might, from time to time, require. Having stated the principal objects of the Bill, he would move, That it be read a second time.

The Earl of *Rosslyn* opposed the motion. The provisions of the Bill involved almost a fundamental alteration in the constitution of the Court of Session. It was a question of the highest importance, connected not merely with the interests of individuals, but with the feelings and habits of the people of Scotland. The Bill might have been much considered in the other House of Parliament, but he contended, that their Lordships ought to have an opportunity of amply considering it in their House. Under all the circumstances, he would ask, was it fair to that House—was it fair to the Court of Session—was it fair to the people of Scotland, that a measure of this nature should be submitted to their Lordships at so very late a period of the Session? After several observations on the provisions of the Bill, the noble Earl expressed a hope that the measure would be allowed to stand over to the next Session, when it, or a Bill of a similar nature, might, at a very early period, be introduced, so as to enable their Lordships to consider it attentively. The noble Earl concluded by moving, as an amendment, "That this Bill be read a second time this day six weeks."

The *Lord Chancellor* said, the Bill, as he had already stated, was strictly confined to one point—the carrying into effect the recommendations of the Commissioners. Their Lordships would, of course, exercise their discretion in forwarding or rejecting this Bill. It had been before Parliament since the month of April last, and ample opportunity was given to all those whom it immediately concerned to investigate and consider it in all its provisions. He thought, that it was rather unreasonable, when the people of Scotland and the Judges of the Court of Session had so much time given them to consider the Bill, for the noble Earl to come forward now and require its postponement. The Judges must have made up their minds on the subject long before this. If this were an entirely new measure, and not recommended by the Commissioners, then noble Lords might say, "It is necessary to have inquiry; let us ascertain the facts." But in this case, the subject had been inquired into, the facts had been ascertained, and unless the statements of the Commissioners were falsified, they ought, he conceived, to proceed with the Bill. He called on their Lordships, at all events, not to prevent its being read a second time, since by opposing it they would array themselves against the principle of the measure, which had hitherto never been impugned.

Lord *Wynford* did not mean to go into the merits of the Bill. But, whether it was a good measure or a bad one, sufficient time should be given to their Lordships to consider it in all its bearings; and as that could not be done at the present period of the Session, he should vote for the amendment.

The House divided on the original motion:—Contents 27; Not-Contents 37: Majority 10.

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Second reading put off for six weeks.

HOUSE OF COMMONS,

Tuesday, August 9, 1836.

MINUTES.] Bills. Read a third time:—Militia Ballots Suspension.—Read a second time:—Militia Pay Creditors (Scotland).—Read a first time:—Municipal Elections; Poor-Law Loans; Tithe Compositions (Ireland); Westminster Small Debts.

Petitions presented. By Mr. AGLIONBY, from Newton-upon-Ayr, against Municipal Corporations (Scotland).—By several HON. MEMBERS, from various places, against Factories' Act Amendment Bill.—By Lord ASHLEY, from Manchester, for Amendment of Factories' Act.—By Mr. AGLIONBY, from the Natives of Wales in London, against that clause which unites Flintshire to the Diocese of Chester.—By Mr. EWART, from the Cambrian Literary Society, London, for the same clause.

POST-OFFICE—MR. JOHNSTONE.] Viscount *Sandon* presented a Petition from Mr. Johnstone, who had filled the office of engineer at the Holyhead Post-office station, and who had been dismissed from it by the Post-office authorities. The petitioner prayed for a proper inquiry into his case, and complained that he had been dismissed without due investigation. The noble Lord said, that the petitioner had been dismissed on the representation of the agent on the station, Captain Goddard, who was himself convicted by the Sub-commissioners of Post-office Inquiry of irregularity and neglect, and who was himself afterwards dismissed from his situation. He certainly thought, that before the petitioner was convicted of fraud and dismissed from his situation, his case should have been submitted to a more competent tribunal than that of the agent. At this late period of the Session, he (Lord Sandon) could not follow up the prayer of the petitioner by moving for an inquiry.

Mr. *Labouchere* defended the course pursued towards the petitioner, who had no just grounds of complaint. The Report, which had been laid on the table from the Post-office Commission, disclosed an organised system of plunder, which required the most exemplary punishment of the offending parties. When the Sub-commissioners commenced their investigation at Holyhead, they required the attendance of Mr. Johnstone, who filled the office of resident engineer, and who had a large quantity of public stores in his charge. After his first examination, other individuals were called, whose statements were so completely at variance with his, that they had him recalled, with a view to enable him to explain and to reconcile some discrepancies in his accounts, instead of which Mr. Johnstone thought proper to refuse giving any information on these points, and they, therefore, felt it their duty to report that circumstance to the Commissioners in London, and Mr. Johnstone was ordered to be suspended. In the meantime the examination proceeded, and the Sub-commissioners found such a ground of malversation against Mr. Johnstone and the Storekeeper-general, that they deemed it advisable to have an Admiralty agent sent down, and he came to the conclusion, that there was fraud in the conduct of Johnstone, and he was again called on to explain and reconcile the differences, which not being able to do, he was dismissed altogether from the public service. Although the Post-office agreed in the proceedings of the Sub-commissioners, yet so anxious were they to do that which was right, that they directed two gentlemen to look into the whole matter, and to ascertain whether these things could be the result of negligence or fraud; and, after the most searching inquiry, they came to the conclusion, that there was both fraud and negligence in the conduct of the petitioner. He did not see, after these several investigations, how that House could entertain the subject. There was no reason whatever to doubt the Report of the Sub-commissioners. If it could be ascertained that there was any doubt of the culpability of the individual, he would have had the benefit of it. Under these circumstances, he (Mr. Labouchere) thought, it would be injudicious of the House to interfere with any department in the dismissal and punishment of an officer found offending.

Lord *Sandon* thought, that the case had never been properly investigated.

Petition to lie on the table.

SWITZERLAND.] Dr. *Bowring* wished to put a question to the noble Lord, the Secretary for Foreign Affairs, respecting a matter that had excited considerable interest in Switzerland as well as upon the continent generally. He alluded to the attempt which had been made to coerce the Government of Switzerland to violate the Laws of hospitality, and to drive from its territory those who had taken refuge there. The French ambassador had presented a note to the Confederation at Berne, requiring them to dismiss from their territory certain persons who had hitherto received protection there; and it was stated in the public papers, that our ambassador at Berne had joined in that requisition. He confidently trusted, that the name of England had not been employed in this transaction. He could not, for his part, believe that England was concerned in this attempt to expel unfortunate political exiles from Switzerland; and he wished, therefore, to know from the noble Lord, how far the English Government had sanctioned the introduction of the name of England in this matter?

Viscount *Palmerston,* in answer to the question of his hon. Friend, had no hesitation in saying, that the English Government had not been consulted as to the note or notes which had been referred to the Swiss Confederation, and that, in point of fact, neither the English Government nor the English Minister in Switzerland had been any party to such application. That being a matter of fact, he thought it right to state it. At the same time, he should not perform his duty if he contented himself with simply giving such an answer, because inferences might be drawn from it one way or the other inconsistent with the real opinions of the Government. In the first place he would observe, that it was undoubtedly true, that every independent nation had an indisputable right to afford protection and the rights of hospitality to any foreigners who might take refuge there; but it was also a duty of every country to maintain the relations of good neighbourhood with the bordering states, and it was the interest of every power that exercised the right of hospitality to take care, that the persons enjoying it did not use it for the purpose of forming and executing conspiracies to disturb the tranquillity of neighbouring states. His hon. Friend had said, that he believed some of the refugees in Switzerland had availed themselves of their situation there to form conspiracies against the Duchy of Parma. He knew that the French Government conceived no grounds with which he was not acquainted, but which he gave that Government credit for supposing to be well founded, that there were in Switzerland a number of persons who had connected themselves in a conspiracy for the purpose of overturning the French Government and disturbing the tranquillity of France. It was acting on that conviction that the French Government applied to the Swiss Confederation to have certain persons expelled from its territory. If he should presume to give advice to the Swiss Government in such a case, it would be that the course under such circumstances conformably with the good understanding that ought to prevail betwixt neighbouring States, was, that any persons who were really guilty of such practices should be requested to leave a country the shelter of which they had so abused. It was not to be supposed that the French Government had acted lightly in this instance, or without sufficient grounds, especially when it was considered that, up to the present time, the French Government had pursued a very different line towards the Swiss Confederation, and had endeavoured to dissuade other Governments from pressing the Government of Switzerland for the removal of foreign refugees from its territory He supposed, therefore, that it was upon good grounds that the demand of the French Government had been made. As far as the policy of the English Government was concerned, he felt fully the importance of maintaining the independence of Switzerland. Any advice therefore which should be given to it by the English Government would be given as a friendly power, and always bearing in mind that it was of the greatest importance to the European policy of England to maintain and uphold the independence of the Swiss Confederation.

Mr. *Hume* wished to know whether he understood the noble Lord to intimate that such advice had been given by His Majesty's Ministers. He understood the noble Lord to state distinctly, that the English Government had not joined with the Government of France in the request made to the Confederation. He hoped that the policy of the British Government would never be founded upon that of the French government, which was at present outraging all the principles of law and justice, and trampling under foot the rights of its subjects.

Viscount *Palmerston* begged to state, in reply, that the English Government had taken no official step whatever on the subject, that no similar note had been presented by the English Minister to the Confederation, that he had no instructions to take such a step, and that in point of fact, he could not have taken it. With regard to the private advice that might have been given, he (Lord Palmerston) had indicated the tendency of it.

Dr. *Bowring* said, that the Swiss Government had in confidence stated to the refugees, especially the Italian refugees, that it was obliged to expel them from its territory. Now, against them there had been no accusation, and the Act was manifestly unjust.

Subject dropped.

CASE OF LIEUTENANT HILL.] On the Motion that the Order of the Day for the consideration of the Lords' Amendments to the Municipal Corporations Act Amendment Bill be read.

Captain *Boldero* rose to call the attention of the House to the case of Lieutenant Hill of the navy, who was superseded from his command of the Alban steamer without any inquiry as to the charge on which his removal was grounded. The hon. and gallant Officer here detailed the circumstances of the case, which were substantially to this effect:—Lieutenant Hill, who was in command of the Alban at Malta, was ordered to proceed to England in that vessel with dispatches. While getting his steam up, the flag-lieutenant on the station came alongside, and told lieutenant Hill to make all haste in getting his vessel out, as he was already an hour behind his time. Soon after this, the private secretary to the Admiral on the station (Sir Josias Rowley) came alongside and told Lieutenant Hill that he must wait to take on board a passenger from the Lazaretto. The psssenger came alongside, but a further delay was required in order to wait for his baggage from the Lazaretto; but Lieutenant Hill refused to wait, considering, that having previously received an order from the flag-lieutenant to get out of harbour with all speed, he was not bound to obey the order of a civilian. He then made a signal to the flag-ship to know whether he should part company, to which an answer was returned, that he should proceed forthwith. He sailed; but soon after he got out of the harbour he saw a signal at the Porthead ordering his return. That signal he instantly obeyed, and on his return one of the senior captains came on board; stating that he (Lieutenant Hill) was superseded by order of the Admiral. A report was afterwards made to the Admiral, to the effect that Lieutenant Hill was labouring under some delusion. He was then sent to the Lazaretto, but after some days the Admiral sent a letter recalling the order for superseding him, and requesting that that order might be transmitted back to him. Lieutenant Hill was afterwards allowed to proceed to England, and placed upon half-pay. He demanded a court-martial, but was told he might go back to Malta and have a court-martial, but that he declined, as he could not possibly have there the witnesses which were necessary for his defence. A Court of Inquiry was held in February last at Sheerness, and that Court reported to the Admiralty, but Lieutenant Hill had not been allowed to know the charges against him, or the evidence on which they were grounded. Now, he contended, that Lieutenant Hill was perfectly justified in refusing to obey the order of a civilian, after he had received that of the flag-lieutenant, and that he was most unjustly superseded from his command. No man could produce higher certificates of good conduct than he had been able to show. He had produced those certificates from six Admirals, fourteen Post-captains, and several others under whom he had served, who all bore the highest testimony to his conduct as an officer. Notwithstanding these, the Admiralty placed him on half-pay, declaring that they thought his conduct reprehensible. That, however, he (Captain Boldero) contended, was no just ground for dismissing an officer from his command. He ought to have been brought to a court-martial on the spot. The hon. Member concluded by moving for a copy of the charge (if any) and minutes of evidence of a Court of Inquiry held at Sheerness in February last touching the conduct of Lieutenant Hill, R.N. late in the command of his Majesty's steam-vessel Alban, in the Mediterranean, superseded without inquiry.

Mr. *Hutt* seconded the motion, and said, that Lieutenant Hill was one of his constituents, and he believed that a more honourable man, or a more excellent officer, did not exist. He considered that he had been treated most unjustly, and the charge of disobedience had been aggravated by the imputation that he was labouring under a derangement of intellect.

Mr. *Charles Wood* said, it was not his intention to go into the whole of the details. Lieutenant Hill had been superseded for disobedience of orders. He had received an order from the Admiral to wait for a passenger, who was in the Lazaretto, and he disobeyed that order. Two Captains, who had been directed to inquire into the circumstances of the case, reported that it was so extraordinary, that they could account for it only by supposing that he was labouring under temporary derangement. On this report the Admiral on the station superseded him. It was admitted afterwards by some of his own friends who saw him at the Admiralty, that he was labouring under a delusion. The Admiralty, after hearing what had been stated by the Admiral on the station, and the evidence taken before the Court of inquiry, were of opinion that Sir Josias Rowley was perfectly justified in the course he adopted.

Captain *Gordon* contended, that Lieutenant Hill had been very hardly used, and that there was no good ground for superseding him.

Mr. *Hume* had been acquainted with Lieutenant Hill for nine years, and adverted to the admission which he considered had been made, that the treatment of Lieutenant Hill was contrary to the usual rules of the service. If he had disregarded any order it was one which he was not bound to obey; and if the Admiral had had any reason to complain of Lieutenant Hill, he ought to have brought him to a Court-martial. It was absurd to contend that he was mad, when he was allowed to take his sword and pistols with him when he was sent to the

Lazaretto. Although it was true that he had been allowed his half-pay, like the other officers of the Navy, it could not be disputed for a moment that he stood unjustly disgraced in the eyes of the whole service, by the determination of the Board of Admiralty.

Lord *J. Russell* would not enter into the merits of this case, but he must say, that it was not one into which the House of Commons could well enter. Cases like the present belonged more to the jurisdiction of the commanding officer on the station, or to the Admiralty; but it appeared to him that the House of Commons was a very incompetent tribunal to decide upon it, and it was only a waste of the time of the House to bring on such questions on an order of the day.

Admiral *Adam* said, that Lieutenant Hill had been treated with great kindness in the whole of this affair. He had disobeyed an order of the Admiral, for which disobedience he might have been dismissed the service, but he was allowed to go on half-pay.

Sir *R. H. Inglis* contended, that the time of the House ought not to be occupied with matters like the present, which came more properly within the jurisdiction of other tribunals.

Captain *Boldero* said, that the worst construction which could be put upon the conduct of Lieutenant Hill was, that he had disobeyed an unlawful order. He was not bound to take an order from a civilia in contravention of the order given to him by the flag-lieutenant, his superior officer. He would not divide the House on the motion. He was willing to leave the matter to the consideration of the proper department.

The amendment negatived.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.] The Order of the Day was read for taking into consideration the Lords' Amendments in the Municipal Corporations Act Amendment Bill.

Lord *John Russell* said, the time had arrived when it became his duty to state to the House the course which it was his intention to recommend, with reference to the amendments under consideration. The Bill for amending the Municipal Corporations Act, had been brought in by his hon. and learned Friend, the Attorney-General. It was a measure of very great importance. After having undergone much discussion in that House, it was sent to the House of Lords, where it received several amendments, to the nature of which he was about to call the attention of the House. There were two or three of those amendments—two especially—the principle of which he could by no means agree to. One was with reference to the manner in which the chairman was to be chosen, to preside at the election of the mayor and council of a Corporation when there was an equality of votes; the other was with reference to the administration of charitable trusts. It was with respect to those two amendments particularly, that he was desirous to call the attention of the House to the situation in which the House of Lords had placed them by the course which that House had thought proper to adopt. With regard to the first of those amendments, although he certainly considered the mode of choosing a chairman to preside at the election of a mayor and alderman, when there was an equality of votes, very unadvisable, being such a one as might lead to a representation of the borough for a time, which would by no means be a fair representation of it, yet, if that had been all the difference which existed between the two Houses, with reference to the measure under consideration, he might not have thought it necessary to press his view of the subject. At the same time he must say, that the provision which had been introduced into the Bill by the House of Lords, that, in the event of such an equality as that to which he had alluded, recourse was to be had, not to the opinion of the burgesses at large, or any popular body, but to that of an individual to be selected by lot, was a violation of respect to the principle of popular election, on which the Municipal Act itself was founded. Still, he repeated, that if that amendment had stood alone he might perhaps have consented to concede it. But with regard to the second amendment to which he had adverted, the amendment in the manner of appointing charitable trustees, he hoped that he should have the general concurrence of the House in his motion for rejecting it. He entertained this expectation the more confidently, because, although when the Bill was originally introduced into that House, many of its provisions were severely criticised by hon. Members on the other side, and great fault was found with some of them, it was generally allowed on all sides, that nothing could be more desirable than to put an end to the abuses which resulted from the manner in which the old trustees discharged their functions, When he stated, in the course of those debates, that an amendment proposed by the right hon. Baronet, the Member for Tamworth, would have the effect of replacing those trustees in their offices, the answer by the other side of the House was—"It is not intended to have any such effect; for we are as anxious as you can be to put an end to the existence of a power which has been so much abused in its exercise." He trusted, therefore, that there would be in that House a general concurrence in the opinion, that it was inexpedient that the power so vested, and which had been so abused, should be continued for another year. Was it possible to doubt the expediency of at once terminating such a power? Besides the general knowledge which every man must possess on the subject, were there not various reports on the table of the House, in which it was distinctly stated, that in many places it had been the custom of trustees of charitable funds to pay away those funds to individuals of one political party, to the exclusion of all others. He was sorry to be compelled to adopt the course which he was taking; but he felt that the House would be countenancing the abuses in question, if they agreed to an amendment which continued them for another year. The evil had been so universally admitted, even by those who entirely differed from his Majesty's present Government on general politics, that he was at a loss to conceive by what argument the expediency of its continuance could be supported. The only cause which he had heard assigned for that continuance was, the expectation that a noble and learned Lord, who had been prevented by indisposition from attending in his place in Parliament during the present Session, might probably in another year be prepared with the general measure on the subject which he had last year given notice it was his intention to produce. No man could regret more than he did the circumstances which had, during the present Session, deprived the country of the exercise of the noble and learned Lord's talents in the other House of Parliament; but really it appeared to him that that absence was by no means a sufficient reason to warrant the continuance for another year of the abuses in question. It certainly was not a ground on which Parliament ought to legislate, that they should wait a year before they corrected certain existing and generally acknowledged abuses, in the hope that, in the next Session, a noble and learned Lord might bring forward a measure in which the correction of those abuses would be comprehended. Had the amendment of the Lords tended to make the funds in question more applicable to the purposes for which they were intended, and to prevent their application to any other purpose, he should not have objected to it; but, so far from that, it went to alter the whole scope and character of the Bill. There might certainly be some temporary inconvenience sustained by the loss of the Bill. But he would much rather incur that inconvenience; he would much rather that the power now enjoyed by the trustees should remain for a time in abeyance; he would much rather that the Lord Chancellor should be called upon to make such orders as the peculiar circumstances of the case might require, than adopt such an amendment as the House of Lords had introduced into the Bill. He would not consent to continue to any set of men the power of distributing large sums of money under pretence of applying them to charitable purposes, while, in fact, they were bestowing them upon persons belonging to their own party. For these reasons he would now move, that that House disagree with the amendments in the Municipal Act Amendment Bill to which he had adverted.

Viscount *Stormont* denied, that the House of Lords had thrown out the clause in the Bill to which the noble Lord had been principally referring, on the ground of the illness of a noble and learned Lord, and the expectation that that noble and learned Lord might in another year be prepared with a general measure on the subject. They threw it out because they thought, that, under its operation, the administration of charitable trusts in a borough would be influenced by party considerations. He was himself most anxious to put an end to the abuses which no doubt existed in the administration of the trusts in question; but he believed that the House of Lords were satisfied that such an object would have been obtained by the Bill which had been introduced by the hon. Member for Northampton.

The *Attorney-General* believed, that the amendment made in the House of Lords had been so made, not because that House approved of the measure which had been introduced by the hon. Member for Northampton, but because their Lordships had been influenced by the opinions of Members of the old corrupt corporations. The clause which had been introduced by the House of Lords was, as his noble Friend had observed, not within the scope and character of the Bill. He acknowledged that the sacrifice recommended by his noble Friend was great; but he thought it much better to make that sacrifice than to concur in the Lords' amendments.—The old trustees had abused their trust, and there could be no hope of their reformation. If the first amendment adverted to by his noble Friend were adopted, in two boroughs it would be constantly determined by a cast of the dice whether the representatives of those boroughs should be Whig or Tory. Surely it was much better to refer that question to the constituent body—to the electors—to ascertain their opinions on the subject. That point, however, his noble Friend had said, if it were alone, he might give up; but the other amendment, by which the present trustees of charitable trusts were to be continued in power for another year, his noble Friend had very properly declared his determination not to give up.

Mr. *David Barclay*, although he lamented the course which the House of Lords had taken, was not prepared to agree to the motion of the noble Secretary of State. Why not allow the Bill to pass with the amendments and bring in another next year?

Mr. *Hume* expressed his surprise that the hon Gentleman, who admitted the existence of the abuses in question, nevertheless thought there would be no harm in continuing those abuses for another year. He (Mr. Hume) had been informed only yesterday that at Coventry the trustees of the charitable funds had given 4*l.* a head to voters of certain political opinions, and that up to the last hour the charitable funds had so been mal-administered. The course taken by the noble Lord appeared to him to be a very proper course. The noble Lord had stated, and he (Mr. Hume) was very sorry to hear that statement, that he should have been prepared to make a great concession to the House of Lords. Surely the time had come when the noble Lord must have learnt, from experience, that no concession to the House of Lords could be beneficial, and that the more he conceded to the House of Lords the more the House of Commons would be trampled upon. The noble Lord would find that his course would not be rendered, in the slightest degree, less rugged or difficult by concession. The course was for that House to take a course of their own—to be influenced by no consideration but a conviction of that which, in their own opinion, was advisable and expedient. The Bill under consideration could only be lost. Let it be so. Let it go forth to the public that it had been thrown out to please a political party. The question between the parties must be settled not within, but outside that House. The people of England were the party interested. Let them confess their opinion at elections. Let them not foolishly elect so large a body of the Members of that House who were opposed to all amelioration and improvement. If the people were so negligent or so ignorant of their duties as to send so many anti-Reformers into that House, they must expect the natural consequence. The process of discussion might go on within those walls, but it was outside of those walls that the question must be decided which party should have the preponderance. If at the next election the electors did their duty, and did not, as they had foolishly done at the last election, return so many Members opposed to the cause of the people—if they were not so shortsighted as, under any pretext, to send men to the House of Commons as their Representatives who were opposed to every amendment in any of our institutions, a different scene would present itself. Was it to be wondered at that the House of Lords seeing so large a body of anti-Reformers in the House of Commons—seeing that there were no fewer than three hundred Members of that character, should be encouraged to treat the people with contempt? for the people were treated with contempt when the Lords rejected every measure of Reform proposed to them. He hoped the noble Lord would soon learn the inexpediency of making any concessions to the other House. Let them be left to themselves, and they would become martyrs of their own conduct. They had now arrived nearly at the close of the Session; and the people of England would naturally ask every hon. Member on his return to his constituency what had been done in the course of it. What was the answer that must be given? "Not a single measure of importance has been carried." If the cause were asked, the reply must be, "The Tories would not let us; we carried several valuable measures in the House of Commons, but they were defeated in the House of Lords." The honest Members of that House would stand acquitted by the country. They would plainly say to them, "We have done our best, but we have been beaten by the other House. If you want Reform, elect Representatives who are favourable to Reform. We shall not then struggle day after day, and night after night, and yet at the close of the Session find that we have accomplished nothing." If the people would not attend to this—if they wanted to see a majority of the anti-Reformers, in God's name let them have it, and let the anti-Reformers take the reins of Government.

Mr. *Charlton* remarked, that the whole burthen of the song of the hon. Member for Middlesex had turned on the word "anti-Reformers." The hon. Gentleman had charged that side of the House with being anti-Reformers. He denied the charge; they were as anxious for Reform as the hon. Member could be, but they would not consent, under pretence of reforming the House of Lords, as the hon. Member wished to destroy the Constitution. The hon. Member had referred to what had taken place in Coventry, and had asserted that large sums were distributed by the trustees among persons of a certain political creed. With what propriety could the hon. Member make this charge? The hon. Member said, that he had heard it; but there was not a tittle of evidence before the House to support him. The hon. Member, when he preferred such a charge, should at least bring forward his evidence, to show that there was some foundation for it. Supposing the continuance in office of the former trustees for one year longer to be an evil, the question was, whether it would not be better to permit this, than in the words of the noble Lord, to permit all the funds of the charitable trusts throughout the kingdom to be in abeyance, or to make use of the still stronger words of the Lord Chancellor, to leave the whole of the charitable property in the country unadministered. This would be the necessary consequence of the course which the noble Lord had taken. No power was vested in the Lord Chancellor either to receive or to distribute, and if power was given to appoint trustees, they could only be appointed after litigation on litigation. The present state of the charitable trusts in the borough of Ludlow amply bore him out in asserting this opinion.

Mr. *Villiers* congratulated the noble Lord on the course he had determined to adopt with respect to the amendments introduced by the Lords into this Bill. It was notorious that the administration of charitable funds had been grossly abused by the old corporators, in whose hands it had hitherto been vested, and the noble Lord was therefore perfectly right in insisting that it should be removed from them.

Mr. *Morrison* also supported the proposition of the noble Lord, and pointed out the inconveniences which would arise in the borough of Ipswich in case of the Lords' amendments being agreed to.

Colonel *Sibthorp* defended the conduct of the House of Lords. The hon. Member for Middlesex, when he complained of the rejection of several Bills, had omitted to state the most material circumstance. A perfect chaos of ill-digested matter, without order, without arrangement—a kind of omnium-gatherum in short, was submitted to their consideration, and under these circumstances the House of Lords could not be blamed if they rejected part of the crude and ill-considered mass brought before them and moulded the rest into a form better calculated to satisfy the just expectations of the country.

Motion agreed to, and Lords' amendments disagreed to.

Lord *John Russell*, in answer to a question from Mr. Goulburn as to the course which it was intended to take with this Bill, said that these two amendments that had been disagreed to—namely, that relating to the choice of mayor and aldermen, and that relating to the appointment of charitable trustees—were the only material points of difference between the House of Lords and this House. The former of these amendments was not of such importance as the other, and he was therefore not disposed for the sake of this amendment to risk the loss of the Bill altogether, but the rejection of the other amendment he must adhere to. He should therefore feel it his duty, after disagreeing to these amendments, to ask a free conference with the House of Lords, for the purpose of stating the reasons that had induced them to disagree to those amendments, and to state the reasons why they should rather incur the loss of the Bill than agree to this latter amendment. They would by this means have an opportunity of seeing whether the House of Lords would insist on these amendments. He would therefore move, that a message be sent to the House of Lords on Thursday next to request them to appoint a free conference on the subject of these amendments.

Motion agreed to and a message directed to be sent to the Lords accordingly.

PLURALITIES.] Lord John Russell moved, that the order of the day be read for going into Committee on the Pluralities' Bill.

Mr. *Hume* wished, before this motion was carried, to submit to the noble Lord whether, at the close of the session, it was expedient to proceed with this Bill, and whether it was possible that due consideration could be given to it? No man was more anxious for reform in the Church than he was; and, he believed, he was the first to introduce the subject in Parliament, but when he did so, and when he advocated the appointment of a Commission, he had expected a comprehensive reform, and a Report from the Commissioners which would have embraced every branch of the Church Establishment. He submitted to the noble Lord, that as he had agreed to put off other Bills relating to the Church, it would be well if he would not now proceed with the present measure, but allow it to lie over till the next session along with the Dean and Chapter Bill. In the mean time, as the Commissioners had taken upon themselves to new-model the dioceses of the Bishops, they could also take upon themselves to new-model the various livings in the country, and take into their consideration whether there were not more livings than ought to exist, whether some livings were not larger than they ought to be, whether others might not be extended, and whether different duties and incomes might not be affixed to them. By that means the noble Lord would be able to fulfil the wishes of the best friends of the Church, and an end would be put to the eternal trouble which the Church now gave to the Legislature of the country; for what with the Church in Ireland and the Church in England the business of the nation was absolutely stopped, and it almost required a Parliament of itself to deal with those two subjects. And, after all, what was the result of their exertions? No sooner did this House pass any measure than it was thrown out elsewhere, so that much valuable time had been lost. He could not allow this Bill to go on, which would give a sanction to pluralities which were now illegal, and which was a partial and garbled measure as regarded reform, without entering his protest against it. There were seven or eight Bills on the table, all of which were of much more importance than this in its present imperfect state. Why should they be postponed? What had become of the Marriage Bill, the Registration Bill, the Newspaper Bill? Did the noble Lord really mean to take up the whole of the evening in a Committee on this unsatisfactory measure, while these Bills were waiting for consideration, and which ought to be disposed of one way or the other? He had received a communication from the hon. Member for Greenock, stating that he had left London under the impression that this Bill would not be proceeded with this session. Mr. O'Connell and Mr. Rippon, the Member for Gateshead, had also expressed their opinion that this Bill would not be again brought on. He, therefore, hoped the noble Lord would not persevere with the measure.

Mr. *Wilks* said, that it was doubtful whether he should have originated any observations on this matter; but as they had been introduced, he confessed he should be a traitor to himself and to the vast proportion of the community with whose feelings he was acquainted with respect to this subject, if he did not join with his hon. Friend in entreating the noble Lord not to press forward this measure during the present session.

Lord *John Russell* must say, that he had hardly expected to have such a request made to him as had been made by the hon. Gentlemen who had just spoken. At the time the Bill came down from the House of Lords, he over and over again declared that it was his wish to press this measure forward. But it was urged upon him more than once, that there were other Bills of great importance waiting to be sent up to the House of Lords; he had, therefore, repeatedly deferred this Bill, not because he was not willing to bring it forward, but because other Bills required to be advanced in their several stages. Having so deferred it, however, that was now made an argument against his proceeding any further with it this Session. Certainly it was a reason why on future occasions he should not consent to any delay that might be required of him. He could not agree in the view taken of this Bill by the hon. Member for Middlesex, and therefore it was not likely that he should come to the same conclusion as to the course to be pursued respecting it. It had been said that this measure ought to have been as great in its leading enactments, as the Reform Bill, or the Municipal Corporations Bill. He never expected to bring forward any measure of that kind respecting the Church. There was a vast distinction between the two former cases and the present. With regard to the Reform Bill, they could at once exclude a great number of boroughs, and erect a new plan of Parliamentary representation. So with respect to the Municipal Corporation Bill, they could enact that all old corporations should at once cease, and that no new corporations should be erected. But in this case, where the interests and incomes of individuals were concerned, it was quite impossible to proceed in such a manner. They could not say, that a man holding two benefices, within a certain distance, should immediately forfeit one of them, neither could they say, that a Bishop, who was at present living, should be subjected to a great reduction of the income of his benefice. It was quite impossible, therefore, that a Bill upon this subject could at all resemble those two former measures, that of Parliamentary and Municipal Reform. It appeared to him that this Bill would do a great deal to prevent what he considered to be a great abuse, and for which the law at present afforded no remedy. The Ecclesiastical Canons, and Ecclesiastical Courts, would not allow pluralities beyond the distance of thirty-five miles, but he did not believe that the courts of law afforded any remedy against two livings being held together at the distance of 300 or 400 miles apart. If he were to agree to the postponement of the Bill, such pluralities as these would continue. Believing, then, that this Bill would be of very great advantage, and would go a great way in reforming the abuses of the Church, and considering also that it had come down to them from the House of Lords, he was disposed to persevere in it. He could not see any advantage in beginning again with this Bill in another Session, and that for the reason which had been assigned by the hon. Member for Middlesex, for his wishing to postpone the measure, namely, that it would retard the bringing forward other measures which the interests of the country required. For his own part he wished he could bring forward several measures relating to the civil and criminal laws of the country, but all of which were delayed on account of the necessity of considering the Bills relating to the Church. It appeared to him, therefore, very desirable that they should now consider the Bill before them, especially as he believed there were but two or three points on which any great difference of opinion could take place. Every body wished to get rid of pluralities. The hon. Member had said, that the Bills sent up from this House to the House of Lords, were almost uniformly rejected. But with respect to this Bill, they might be quite sure that no such course would be pursued, as it had been already assented to by the Lords.

Mr. *Hutt* could not consent to the proposition of the noble Lord. He did not think that the noble Lord was making a discreet use of his unquestionable right of pressing forward this Bill under the circumstances now existing. He did not mean to say, that the Bill would not effect any good, but the most important part of the subject which the Bill ought to embrace, seemed to be passed by entirely. It was true the evil of pluralities would in some degree be remedied, but there was no regulation whatever made with regard to the incomes of the clergy. It would still be possible for the golden prebend of Durham, and the rectory of Stanhope, to be enjoyed by the same person at the same time; and he would ask the Noble Lord whether that was right, or whether it gave him satisfaction?

Mr. *Cresset Pelham* was of opinion that if it were not disrespectful to the House of Lords, it would be in many respects advantageous, if this measure were postponed till the next Session.

The *Chancellor of the Exchequer* thought it was the duty of the House to carry forward the Bill. That would indeed be of doubtful propriety, if passing this measure would throw an insurmountable obstacle in the way of passing a better measure next year. He should not in that case, be in favour of passing the Bill; but ten miles was some limitation, and he thought, therefore, they ought to go into a Committee

Colonel *Sibthorp* would not oppose going into a Committee, but would bring forward an amendment in that stage.

Mr. *Warburton* objected to proceeding with the Bill. It gave the Bishops power to alter the ecclesiastical boundaries of parishes, and might affect the question of Church-Rates; at such a late period of the Session he was for postponing the Bill.

Mr. *Lennard* said, if his objections to the Bill were only in detail he should be ready to go into Committee. But after having carefully examined it he must say his objections were to its principle. The Bill sanctioned pluralities and non-residence, without at the same time laying before us any scheme by which we might hope at any time to see those abuses abolished altogether. He had hoped that before any measure of this kind was brought forward some opportunity would have been afforded for considering, whether a much larger sum might not be subtracted from the revenues of the Church dignitaries, for the augmentation of the small livings. It was impossible, when there were 3,000 or 4,000 clergymen in England, with livings under 300*l.* a-year, that the House should sanction a measure, giving to Deans of Durham or Westminster 2,000*l.* or 3,000*l.* a-year. It was preposterous to legislate upon this subject, without having first ascertained the real amount of the property of the Church, and inquiring whether there might not be found funds sufficient to increase these small livings at least to 200*l.* a-year each, and then enforce residence upon them. But supposing it were right to overlook this consideration, (which he did not admit it was) still let him ask, was it right that a Dean of Durham or of Westminster should be permitted, in addition to the large incomes attached to their Deaneries, to hold wealthy livings, thus bringing their income in some cases to the amount of 6,000*l.* per annum? He would also ask, whether it was necessary for some Canons to have 2,000*l.* a-year, while others were obliged to be content with 500*l.*? Would it not be better to reduce these overgrown incomes, and, out of the surplus, to raise the salaries of the poor hard-working clergy, before the Legislature gave its sanction to pluralities? He (Mr. Lennard) considered that the framers of the Bill had adopted a very vague and erroneous criterion in the present state of Church property, with regard to pluralities. He might be considered as uttering a paradox when he gave it as his opinion, that if you go to such a great distance as ten or fifteen miles you gain in reality little, for unless the two livings were so near to one another as to allow of one clergyman performing the duties of both, he did not think any limitation as to distance at all did away with one great evil of pluralities—the disagreements likely to occur between two persons both holding authority over the same living. He should have been much better satisfied, if the criterion adopted, instead of distance, had been the conjoint value of the two livings; and if it had been enacted, that when their limited value exceeded 600*l.* or 700*l.*, the surplus should be paid over to the Commissioners of Queen Anne's Bounty, for augmenting the smaller livings. With regard to non-residence, a great deal had been said as to the advantage which would result from the provisions contained in this Bill for its abolition; and in some cases it might be true that such was the case. But what would the House say to that part of the Bill which sanctioned non-residence in favour of a Bishop's chaplain? [An *Hon. Member:* "It is the law now."] He was aware of that; but if the exception is to be made, let it not be allowed in the case of a beneficed clergyman. If the Bishop must have a chaplain, let the Bishop pay for one, not saddle upon the people in some distant parish the expense of maintaining him, at a cost which would provide that parish with ample resident religious instruction.

Mr. *Goulburn* thought the hon. Member for Maldon must be friendly to pluralities, as he was so anxious to preserve them.

Mr. *Wakley* opposed the Bill. To pass it would only put off the remedy for the abuses in the Church, and there would continue to be, as now, hundreds of starving curates, and sons of clergymen with more livings than they could look after. It was a Bishop's Bill, and he hoped, unless it was to be admitted that the House of Commons was to obey the Bishops, that his hon. Friend would persevere in opposing the Bill.

Mr. *Borthwick* said, he should have been better satisfied had this measure originated in a convocation of the clergy, instead of commission composed partly of Bishops. He was aware that there were high authorities against the revival of convocations. But he confessed his opinion was in their favour, and he might observe that they were preserved in the Church of Scotland—a Church presenting one of the best models of Ecclesiastical polity ever displayed. However, he should support the Bill, as it was generally beneficial so far as it went. It brought the Church of England under the *surveillance* of legislation, and got rid, to a great degree, of pluralities and non-residence—two abuses which had crippled her energies and diminished her usefulness.

Sir *Robert Inglis* rose to express his dissent from the doctrine of the hon. Member for Evesham as to a measure of Church Reform, emanating from a convocation of the English Clergy. With regard to the Bill itself, his opinions were well-known upon this subject: but the House having sanctioned the principle of the Bill, he should not object to its going into Committee.

Mr. *Ewart* considered, that this measure if passed would not be the beginning but the *finale* of reform in the Church with respect to pluralities and non-residence; for when a real substantial measure of Reform was brought forward, it would be objected that this Bill having been passed, the Church was reformed enough already upon these points. This was a measureonly of *demi*-reform. The Government were not the parents of it, but they had adopted it. And he (Mr. Ewart) hoped they would not entertain the same affection for it, as if it were their genuine offspring. He should support his hon. Friend in calling for the postponement of this Bill; for it was his opinion that they must lay anew the foundations of the Church ere they passed any measure for the purpose of gilding its battlements.

On the question being put,

Mr. *Hume* was bound to take that opportunity of stating, that as the noble Lord would not agree to any reasonable proposition, he felt bound to express his disapproval of the course his Majesty's Government had taken. It was highly objectionable for the House to lend itself to a Bill like that, which was an abortion of reform. If the noble Lord would alter the second and third clauses, by enacting that no person should hold more than one dignity or one benefice, if he would be revenged on the Lords in this way, he (Mr. Hume) would go into Committee and assist in passing the Bill. Let them resolve that pluralities from henceforth should be at an end, and they had ample means for the maintenance of every existing clergyman. He objected to proceeding with this Bill, because the Church Revenue Bill—an excellent one in itself—had been stopped by some unseen agency They could not hope for one consistent plan unless they had an opportunity of considering all the four Bills relating to the Church at one and the same time. Why did not the Church Discipline Bill go on? Had any Bishop put a spoke in the wheel? He concluded by moving that the Bill be taken into consideration on that day three months, for the purpose of getting rid of it for the Session.

Mr. *Lennard* supported the amendment on the ground that the Bill allowed pluralities without providing the means of ultimately getting rid of them. He strongly objected to the measure, as being calculated to postpone all reform.

Lord *John Russell*, in answer to the last observation of his hon. Friend, contended that by throwing out this Bill it would be delaying reform in the Church, as it would continue for a longer time the present system of pluralities. His hon. Friend, the Member for Middlesex, complained that they had not proceeded with the Bill for the augmentation of the value of small benefices. He (Lord J. Russell) was anxious to carry that Bill, but had not persisted in moving its progress in consequence of the opposition he met with in the House, and in the face of which he could hardly hope to carry it. Those who originated that opposition now came forward and blamed him for not persisting in carrying that measure. If he had had no other opposition to meet with on that Bill than that of the deans and chapters, he certainly should not have postponed the Bill. He thought it quite right to adopt measures to get rid of pluralities and to enforce residence, and also that some means should be adopted for the augmentation of the value of small livings, and had had hopes that that object would have been effected by the Bill he had introduced during the present Session. If, however, this measure before the House passed, he trusted, that before next year, by the changes that would be effected, they would be the better enabled to carry into operation means for the attainment of the latter object. He, however, begged to repeat that it was not his fault that the measure alluded to by his hon. Friend had not passed into a law, but he had postponed it in consequence of the opposition made to it in that House. He hoped and trusted that the measure that would be brought forward on the subject next Session would be considered as an excellent Bill.

Mr. *Aglionby* protested against the Bills respecting the Church being proceeded with during the present Session.

Mr. *Cresset Pelham* quite concurred in the propriety of postponing this Bill until the next Session.

The House divided on the original question:—Ayes 66; Noes 28: Majority 38.

List of the Ayes.

Adam, Sir C.
Angerstein, J.
Bagshaw, J.
Barclay, D.
Baring, F. T.
Bellew, R. M.
Bernal, R.
Blamire, W.
Borthwick, P.
Brabazon, Sir W.
Brownrigg, S.
Burrell, Sir C.
Campbell, Sir J.
Chapman, A.
Corbett, T. G.
Crawford, W.

Donkin, Sir R.
East, J. B.
Elley, Sir J.
Fergusson, R. C.
Fitzroy, Lord C.
Fleetwood, P. H.
Freshfield, J. W.
Gladstone, T.
Goulburn, H.
Goulburn, Sergeant
Grey, Sir G.
Hall, B.
Hobhouse, Sir J.
Hoskins, K.
Howard, P. H.
Howick, Lord
Hoy, J. B.
Labouchere, H.
Law, hon. C. E.
Lennox, Lord G.
Lushington, Dr.
M'Leod, R.
M'Namara, Major
Murray, J. A.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Lord
Parnell, Sir H.
Pemberton, T.
Perceval, Col.
Pusey, P.
Rice, rt. hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Russell, Lord J.
Sandon, Lord
Seymour, Lord
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, R. V.
Steuart, R.
Tancred, H. W.
Thomson, C. P.
Thompson, Ald.
Thompson, Col.
Tynte, C. J. K.
Wilde, Sergeant
Williams, W. A.
Wood, C.
Woulfe, Sergeant

TELLERS.

Maule, F.
Stanley, —

List of the NOES.

Baines, E.
Barnard, E. G.
Bewes, T.
Bowes, J.
Brotherton, J.
Butler, hon. P.
Chalmers, P.
Crawford, W. S.
Ewart, W.
Hawkins, J. H.
Hindley, C.
Horsman, E.
Hutt, W.
Lennard, T. B.
Lushington, C.
Marjoribanks, S.
Palmer, General
Pelham, J. C.
Philips, M.
Potter, R.
Robinson, G. R.
Thornley, T.
Villiers, C. P.
Wakley, T.
Warburton, H.
Whalley, Sir S.
Wilks, J.
Williams, W.

TELLERS.

Aglionby, H.
Hume, J.

The House went into Committee.

Upon Clause 2 being proposed,

Mr. Hume moved as an amendment upon the clause, the following:—"That from and after the passing of this Act no spiritual person holding preferment in the Church of the value of three hundred pounds net shall hold any other preferment therewith."

Lord *John Russell* could not support the amendment.

Mr. *Harvey* asked if it were the intention of the Government to give to the country a real, wholesome, intelligent system of Church Reform? Here they were in the middle of August, when many were looking forward to the 1st of September, with a measure before them containing provisions for maintaining high livings in the Church so numberless, that it was impossible for anybody in the twenty-four hours, who had anything else to do that was worth doing, to make himself acquainted with the subject; and if individuals ventured to oppose the Bill they heard the vulgar cry that was raised against the Lords, that they were kicking out measures of reform, But the Lords were not opposed to this Bill; they were perfectly satisfied with it; it entirely met their views. This was not only the Government of the Lords, but it was a lordly Government. They lose their places! Not at all; they were floating with perfect safety on the tide of episcopal satisfaction. In no case ought there to be more than one living vested in the same person. The object of the Bill was not to make the Church useful, was not to apply the income to practical purposes, but to keep the existing system as tight as possible; this was the object of the Government in this measure.

Lord *John Russell* said, there had been a great variety of plans proposed to-night, and no two exactly similar. The hon. Member for Southwark had his plan; the hon. Member thought that the only plan which could give satisfaction to this country was one to take away the 3,000,000*l.*, or whatever the amount might be, and divide it in certain proportions or in equal proportions among all the ministers. Thus, if an individual had estimated a living at 600*l.* a year, and had given a proportional price for it, the hon. Member would proceed to take away from that living 300*l.* without granting compensation, and would transfer this amount to the smaller livings. He was glad to hear the hon. Member for Finsbury dissent from the motion.

Mr. *T. Duncombe* understood that all vested interests were to be held sacred. There was nothing so new in the proposal. Mr. Pitt's plan was, that the income of the Church should be paid into the Exchequer, and that the amounts of the livings should be thence doled out to the clergy.

Mr. *Harvey* said, that Ministers ought to abandon the measure for this Session. Instead of effecting reform it would be an effectual barrier to reform; it would retard reform for many years.

Amendment withdrawn.

Mr. *Hume* then proposed, as an amendment, that after the passing of this Act no individual holding one or more benefices should accept a dignity or office in a cathedral; and that no person holding one or more dignities should accept of any other dignity or benefice.

Mr. *Thomas Duncombe* had another proposition to make; it was, that the Chairman report progress. He was sure the noble Lord must feel the impossibility of passing this Bill during the present Session. They were now discussing this measure for four hours, and they had only passed one clause. If they were to proceed, every other clause would occupy as much time, and they would be sitting until November. There was the Dissenters' Marriage Bill. They ought to recollect that they had done nothing for the Dissenters this Session. Now, before they took up the Dissenters' Bill, they ought to look after their own Bill. There were the Registration and the Marriages Bills, and they ought to proceed with them.

Lord *John Russell* hoped they were making progress with the Bill. He did not propose to proceed with the Bills referred to by the hon. Member for Finsbury that night. He thought they should be taken up at an early hour in the evening, and he proposed to go into the consideration of them on Thursday.

House resumed. Further consideration of the Bill postponed.

SLAVE COMPENSATION BILL.] On the motion of the Chancellor of the Exchequer, the House went into Committee on this Bill.

Mr. *Hutt* wished to have some explanation as to the precise object of it.

The *Chancellor of the Exchequer* replied, that the measure was intended to provide for the sum which had remained, without being raised by the former Bill. He had explained, on a former occasion, the nature of this measure; and he would now only observe, that it was not intended to raise anything more than the twenty millions which had been voted.

Mr. *Hume* thought, that the exact sum which it was proposed to raise by this Bill should be stated.

The *Chancellor of the Exchequer* remarked, that if the hon. Member for Middlesex looked into the Bill he would find, that it contained the precise sum which he supposed was omitted. He acknowledged that he had made provision for these claims before it was necessary that they should be met, but he did not feel any regret in having done so, as, if he had not taken that course, the delay might have been attended with hardship.

The Committee went through the Bill, and the House resumed. The report to be received.

CIVIL OFFICES DECLARATION BILL.] Mr. *Baines*, in moving the third reading of this Bill, observed, that the object of it was to exempt Quakers and Moravians from taking the oath of office under the Municipal Corporations Act. The reason why he did not include the Jews in the provisions of this measure was, because the right hon. Gentleman, the Chancellor of the Exchequer, had already introduced a Bill for the relief of the Jewish Disabilities.

Mr. *Goulburn* considered, that this measure, unless it had a general effect with respect to all those entertaining conscientious scruples to the present form of the oath, had better be withdrawn.

Mr. *Aglionby* was most unwilling to allow the exemption of the Jews from taking the oath in question to depend upon the passing of the measure which was brought forward for the relief of that large and respectable class of the community from the general disabilities under which they laboured.

Debate adjourned.

THE MILLION LOAN.] The Chancellor of the Exchequer moved for leave to bring in a Bill for the further suspension of the payment of the instalments due on the loan granted for the relief of the Irish Clergy. The object of the Bill was the same as that which he had brought forward last Session, though it was somewhat differently provided for by the proposed measure. It was intended, that the suspension of the payments should take place only in certain cases.

Lord *Morpeth* could state to the House, that it was the intention of the noble Duke, whose name had been introduced in the last debate on the subject of Irish tithes, to hold himself answerable for his share of the loan, no matter what measure was passed upon the subject.

Leave given.

HOUSE OF LORDS,

Wednesday, August 10, 1836.

MINUTES.] Bills. Read a third time:—Customs; Owners of Vessels Liability (Ireland); Valuation (Ireland); Stamp Duties on Newspapers.

Petitions presented. By Viscount MELBOURNE, from the Distillers of London, against Spirits Excise Bill.—By Lord GLENELG, from Inverness, that a Mail may be dispatched every morning from London to the North; and from the

Presbytery of Skye, against Universities (Scotland) Bill; and from Inverness, against parts of Gold and Silver Plate (Scotland) Bill.—By Lord Foley, from the Licensed Victuallers of Stourbridge, against Inns and Alehouses Bill.

HOUSE OF COMMONS,

Wednesday, August 10, 1836.

Minutes.] Petitions presented. By Mr. Mackinnon, from Manufacturers and others interested in Letters Patent Bill, for the said Bill.

Supply. — Miscellaneous Estimates.] The House went into Committee of Supply.

On the question that 40,000*l.* in aid of county-rates, to defray expense of prosecutions, be granted,

Mr. *Hume* considered this a most improper vote. The Government had no control over the expenditure of the county-rates, and they should not give any money, the disposal of which they could not control. The thing was given as a sop to the landed interest, and he did not approve of the principle of the vote.

Mr. *Francis Baring* said, that the principle of the grant had been approved of by the House after a full discussion last year. The proposal of the Committee was, that the whole of these expenses should be paid by the public; but to that the Government objected, as it would have no control over the expenditure. The Government then proposed, that one-half should be paid by the public, and one-half by the county. In that way the Government possessed a check to a certain degree over the expenditure. All the payments were regularly checked at the Treasury before they were made, and the present vote was only half that of last year.

Mr. *Hume* said, there was nothing but jobbing in the expenditure of counties. Cities and boroughs bore the expense of their prosecutions, and why should not counties?

Lord *John Russell* did not see the utility of discussing the grant now, after the subject had been before repeatedly discussed and the principle approved of in very full Houses. He agreed with his noble Friend (Earl Spencer), who originally brought forward the grant, that though it was desirable that the whole expense of these prosecutions should be defrayed by the Government, yet, that as the Government would possess no control over the expenditure, it was better that the public should pay only one-half of the expense. He (Lord J. Russell) thought that it would be very desirable to have a public prosecutor in these cases generally. In consequence of there being such an officer in Scotland, similar cases there were much better conducted than in England. He trusted they might be able to make an experimental trial of the thing at some individual assizes, and if it were found to answer, it would probably be a sufficient check on the expenditure.

Vote agreed to.

On the question that 78,000*l.* for compensation to Danish claimants be granted,

Mr. *G. Young* wished to know, whether the claimants for losses sustained by ships seized at sea had any chance, after the discussion in that House and the close division that followed, of having their claims granted by the Government?

The *Chancellor of the Exchequer* said, nothing had occurred during the discussion, or since, to alter his conviction. He regretted that he could not acquiesce in those claims, and he wished it to be known, that it was merely from a sense of duty that he resisted them, and not from any want of consideration for the claimants. He was afraid of setting a precedent which would be dangerous to the country. This sum (60,000*l.*) had been refused simply on the ground of public duty.

Mr. *Robinson* had had a great deal of conversation with the parties interested in these claims, and had never heard attributed to the right hon. Gentleman (the Chancellor of the Exchequer) any other motive for his refusal but his sense of public duty. There was no difference of opinion on this point. It was, however, his duty to say, that he was of opinion, that the Chancellor of the Exchequer had come to an erroneous decision in having this matter referred to the law officers of the Crown on a technical ground. It was well known, that if a question were referred peculiarly on technical grounds, unless there was so strong a case made out as to leave no doubt, the law officers of the Crown would give an adverse opinion. The question ought never to have been referred to the law officers. It was a question of equity, and fell peculiarly within the province of the Executive Government to decide. When he remembered that many other claims had been equally pertinaciously resisted for a long time, but were afterwards acquiesced in, he might be excused for expressing a hope that, notwithstanding the great discouragement in the speech which the right hon. Gentleman had just made, those claims would in the end be liquidated, if on a future occasion the claimants would be able to prove, to the satisfaction of the Government, that their claims were founded in justice.

Dr. *Bowring* was of opinion, that as the two first classes of claimants had had their claims allowed, the third class should meet with the same justice.

Mr. *Hutt* said, that he had considered it very probable, there having been only fifty-nine who voted against the claims on the last occasion, when the subject was brought forward, and sixteen of those being members of the Government, that the Chancellor of the Exchequer would consider those claims just, and that he would have included them in the estimates. After having deliberately examined the statements made, he considered that there had been the greatest violation of treaty with respect to those claims.

Mr. *Baines* observed, that there were many claimants called after time—claimants whose cases he thought deserved consideration. Their claims had not been sent in exactly on the day on which they ought to have been, and were therefore excluded from the benefit of proving their claims. Many persons who had not sent in their claims within the proper time were persons labouring under mental imbecility, produced, in some degree, by circumstances arising out of the poverty in which this transaction had placed them. If any thing could be done for those sufferers, it would be an act of substantial justice on the part of the nation, and he thought he was not asking for much in endeavouring to press on the Government the further consideration of those claims.

The *Chancellor of the Exchequer* said, that it was necessary in such cases to adhere to some definite rule. The time for putting in claims had been enlarged to double the original time given, and though it might seem a hardship to refuse parties to put in their claims who came a day or two too late, yet it might be a greater hardship on other parties if the rule should be relaxed. He would, however, promise to inquire into the matter.

Mr. *Hume* said, it should be borne in mind, when they talked of adhering to strict rules, that the unfortunate parties in this instance had been preferring their applications for thirty years without success, and that many of them had despaired of ever getting justice. The present Government was not answerable for that. It was a former Government that was to blame for allowing this sum of 1,200,000*l.* to be pillaged from the public coffers, and applied to the unworthy purpose of ministering to the fancies and pleasures of a former Sovereign. The parties to blame were those subservient Ministers who had given up this money to please the Sovereign of the day. He trusted, however, that a reformed House of Commons would do justice to the unfortunate parties who had suffered from such doings. He was as anxious to save the public purse as any man, but where a great injustice had been inflicted, the public should pay for it. The third class of claimants had just as good a case as the other two, and it was injustice to refuse them. He would tell them, however, not to despair, but to persevere, and the House of Commons would fin lly do them justice.

Vote agreed to.

On the question that a sum, not exceeding 8,000*l.*, be granted to his Majesty, towards defraying the expenses of the experiment of establishing a communication with India, by steam navigation, by the Euphrates,

Mr. *George F. Young* suggested, that Government should encourage steam communication with India by the Cape of Good Hope, which was always open, and which would be a much more certain route than that of the Euphrates, where the communication might at any time be interrupted by a barbarous tribe.

Sir *John Hobhouse* would endeavour to state the causes of the additional expense that had been incurred. It had arisen in consequence of the unavoidable delay that had occurred in getting the vessel from the coast of Syria. The perseverance of Colonel Chesney had overcome all the obstacles which, he was sorry to say, had been thrown in his way, not only by the Pacha of Egypt, but even, after this, by the officers of the Sultan, who did not give that aid and assistance that had been expected. The consequence of all this was, that, instead of Colonel Chesney being able to set sail in June, it was not till September, 1835, that the larger vessel was launched; and, in consequence of other obstacles from the local authorities, he was unable to put together the smaller vessel, which had been since unfortunately lost, till the 26th of March, in the present year, when the expedition began the navigation. Government was not prepared to aid the experiment with a large additional grant; but, in consideration of the service and the great importance to the nation and the Government that might be expected from this expedition, they had thought it right to apply to Parliament. The loss of one of the vessels would diminish for some time the expenses of the expedition. He could assure the hon. Gentleman that Government had paid great attention to the subject of steam navigation with respect to India, and had strongly recommended to the East-India Company to co-operate with the efforts making by individuals, aided by the Government, to attain a speedier route to India: for he was well aware that nothing but a combined effort would avail to conquer the difficulties of the case. The civilisation of India was of the utmost consequence to England; but he felt it impossible to expect, that our arts should extend there very rapidly till a change of system brought India within our speedier reach. The quickest steam voyage by the Cape now occupied seventy-five days to Bombay, while that by the river Euphrates, or, better, by the Tigris, might be accomplished in from forty-two to fifty-two days: or an average of forty-six or forty-seven. While the Government had such fair assurances of success by these routes or by Suez and the Red Sea, he felt that they would not be justified in abandoning the trial in which they had already succeeded to such an extent, and by which he expected that during six months of the year the mails might be transmitted with such a saving of time to our eastern possessions.

Mr. *Buckingham* said, that having had occasion to traverse personally, both these routes to India, namely, that by the Euphrates, and that by the Red Sea, and being, therefore, practically acquainted with each, he was prepared to say, that great advantages would be derived by England and by India, in establishing the practicability of a steam communication by both. The difficulties presented by the former were, no doubt, the most considerable; for, besides the length of the land journey from the coast of Syria to the Euphrates, by way of Aleppo and Bir, the opposition of all the local authorities along the entire line of the route, might be expected to be formidable. Nor need the House wonder at this, because the Asiatic nations looked with extreme jealousy towards all the proceedings of England within their territories; a jealousy in which they were strengthened by casting their eyes towards India, and seeing what we had done there. There was not a Prince or a Pacha throughout the east, who did not know that two centuries ago we had been permitted, by the grace and favour of the sovereigns of India, to occupy a few mercantile stations on their coasts as mere traders; and that, in return for this favour, we had, step by step, so encroached on their territory, as at length to have dethroned every sovereign, uprooted every power, and plundered every treasury, taking entire possession of the whole country, to which we had no greater right, in justice or in honour, than the Hindoos had to the soil of Great Britain; and knowing this, which all the Asiatics did, they regarded us only in the light of a nation "going forth conquering and to conquer." They knew our superiority in arms—they were acquainted with our superiority in arts, and they believed our only object in sending these expeditions through their country was, to explore their weak points and make preparations for some intended seizure of their territory. As proof, indeed, of how much this spirit of encroachment still continued to influence the minds of persons in power, the right hon. Baronet (Sir John Hobhouse) had let fall the expression, "that it was true we had not yet got possession of these countries;" to which he (Mr. Buckingham) would venture to add, the hope that we never should; as he regarded robbery in the gross to be quite as criminal as robbery in detail. [Sir *John Hobhouse* had merely used this expression in joke.] But the oppressed inhabitants of India felt that the usurpation and occupation of their country by armed strangers was no joke, but a matter of earnest and deep affliction to them. This jealousy, he believed, would for years to come still operate to create difficulties in the way of the route by the Euphrates; though, if those difficulties should ever be overcome by a more just policy than had hitherto been pursued by us in the East, he believed that considerable benefit to commerce and civilisation might result from the intercourse between Great Britain and India by the Mesopotamian route. The passage by the Red Sea, was, however.

free from many of those difficulties, and by that the intercourse might at once be begun. It was true that on looking at the charts of this Sea the rocks and shoals seemed abundant, but while these presented formidable obstacles to the navigation of sailing ships which might have to cross the Sea while beating or tacking against contrary winds—they would not offer the slightest impediment to steamers, because there was a fair and open passage in the central channel, up which a steamer might proceed in a straight line, and the extreme clearness of the water, the most transparent in the world, made the navigation by the eye so safe as to remove almost every risk of danger. Even in this route, however, there was one great difficulty, namely the total absence of all supplies of fuel, whether from coal or wood—there being neither to be found along the whole coast from the straits of Babel-Mandel up to Suez. To overcome this, the only resource was to have dépôts of coal at the several stations in the way; but this would place the vessels entirely in the power of the local authorities, who might exact any terms they chose for this accommodation. In the early history of Indian navigation it was the custom for the governors at the different ports to order the rudder of every ship anchoring in their harbour to be taken off and brought on shore: and this was not delivered up again until the commander had paid all the dues demanded of him. Now, the coals of a steamer are as indispensable to her as her rudder: and accordingly whoever has the power over these at the several dépôts, can literally prevent the steamer proceeding on her voyage until the dues exacted (whatever they may be) are discharged. Add to this, the instability of the Arabian and Egyptian governments, and the uncertainty as to the policy of their successors—with the frequency of the plague at Cairo and Alexandria—and it would be seen that even by this route all was not so smooth and easy as might be desired. There was yet another passage, however, which ought to be tried for steam voyages—he meant that by the Cape of Good Hope. Here, at least, the highway of the ocean was clear and uninterrupted. No political jealousies or local authorities would interrupt this; and as the practicability of going to India round the Cape by steam had been fully proved in the case of the Enterprize, though sailing under the greatest disadvantages, he could not help thinking that it was an object well worthy the attention of his Majesty's Government to fit out a steam frigate or two, specially adapted for this service, and send them out to demonstrate not merely the practicability—for that could no longer be doubted—but the speed and regularity with which such a communication could be kept up. He was aware of the great reluctance of the Admiralty to patronise any expeditions not originating with themselves; and he thought the whole country behind many foreign nations in the right appreciation of the value and importance of such expeditions: though many thousands were now and then lavished on undertakings of little practical utility to navigation or commerce—witness the immense sums expended on the expeditions to the Polar Seas. To shew this reluctance of which he complained, he (Mr. Buckingham) would remind the House that some few years ago—in 1830—he submitted the plan of an expedition for exploring the almost unknown regions and coasts of the east of China and the adjacent seas: and when he solicited from the Admiralty the use of two or three of the dismantled and unemployed ships of the navy, then lying idle in the Thames or the Medway, on condition that all the expenses of their equipment should be borne by the merchants and manufacturers of England, and their return to the Admiralty after the voyage guaranteed by the parties fitting them out—the use of these empty ships was refused, though Government would have saved rather than lost by such a step, as every one of them incurs an annual cost to keep them in their present condition. He was the more disposed to regret this false economy on the part of the Government of his own country, when he saw that since the period alluded to, the Russians had fitted out an expedition of the same kind, and for the same quarter, which was now pursuing its researches: the Russians had been since followed by the French, whose squadron had already sailed for the Eastern Seas: and America was now on the point of doing the same thing, as he had read in the *Morning Chronicle* of the day before yesterday. He thought these undertakings highly honourable to the countries originating them; and he was only sorry that Great Britain, boasting, as she did justly, of her great maritime superiority to all the nations of Europe at least, should be behind them all, in applying that maritime superiority to such noble and useful purposes as these. The right hon. Baronet (Sir John Hobhouse) had urged it as a strong argument in favour of improving the intercourse between Great Britain and India, that it could not fail to promote the civilisation of the latter country, by making them better acquainted with the superior knowledge of the former. Now the House would perhaps forgive him for reminding the right hon. Baronet that he (Mr. Buckingham) was once a humble instrument employed in the sincere and earnest endeavour to promote that very civilisation of India, for which he (Sir John Hobhouse) seemed now to be so anxious. The House would also readily remember, what was the severe punishment inflicted upon him (Mr. Buckingham) for thus venturing to anticipate the right hon. Baronet's wishes: as well as the still more remarkable fact, that the sting of this punishment was rendered additionally severe, by the right hon. Baronet himself, who having the power in his own hands to redress the evil, resisted every appeal for consideration, and gave his sanction to the injustice, by denying and refusing the compensation which a Committee of the House of Commons, under the sanction of his predecessor, had unanimously awarded.

Mr. *Hume* had stated that he had no objection to 20,000*l.* of the public money being applied to a scientific expedition; but, at the same time, he was satisfied from what he knew of the route by the Euphrates, that the Government would not be able to depend on it as a fit transit for goods. What he would submit was, that the Board of Control should direct a certain number of individuals who should, as soon as the information could be obtained, or as soon as Colonel Chesney returned, institute a full inquiry into all the facts, to ascertain what the real difficulties were, and what the expense would be; 50,000*l.* or 100,000*l.* was nothing to a commercial country like England, when compared with the benefits that would result from such a measure being carried into effect.

Mr. *Hutt* supported the grant, the object of which would be of great use to the country.

Mr. *Ewart* thought that Government should be liberal in the support of such an experiment as was now being made for opening a more rapid communication with India.

Vote agreed to.

The next vote was, that a sum not exceeding 1,940*l.* be granted for the civil establishment of the Bahama Islands.

Mr. *Hume* did not rise to make any objection to this vote, but he hoped that on an early day next Session a Committee would be appointed to investigate the subject. The great evil of the Colonial Governments was, that they were too much under the influence of the Government of Downing-street. It was a great misfortune that they should have to pay the expenses of all the colonies, and that not one of them was satisfied; that they were all full of complaints, and some of them in a complete state of rebellion, owing to bad government. They ought to have a colonial budget as well as an Indian budget, and a Committee ought to be appointed to see whether any and what reduction could be made. He wished to remind the hon. Baronet (the Under Secretary for the Colonies) that he had suggested to him the propriety of adopting some means of informing that House of every colonial appointment that took place before the parties appointed left England. What he recommended them to do was, to stop the supplies when they were backward in giving information.

Vote agreed to.

On the vote of 20,000*l.* for the Indian department in Canada being proposed,

Mr. *Leader* remarked, that it had been clearly proved before the Committee on colonial and military expenditure, that this establishment was a mere sinecure. With regard to the 16,000*l.* of the grant expended on presents to the Indians, it had been shown that it produced a most injurious effect on their character and manners, the money being entirely consumed in drunkenness and debauchery. He hoped that the amount of the vote would be gradually diminished.

Sir *George Grey* said, that the Committee had recommended that the grant should be only taken provisionally, and accordingly the present sum was to be only conditionally applied. He believed, that in the course of a year or two the grant would be entirely abolished.

The vote agreed to.

On the question that 50,528*l.* be granted for salaries, etc. to the officers of the Houses of Lords and Commons, Mr. *Hawes* took the opportunity of suggesting to the Chancellor of the Exchequer the propriety of having some alteration made in the present House of Commons during the recess, with a view to its better ventilation, and also with a view to the improvement of sound. At present the difficulty of hearing was so very great that Members sitting even immediately behind the Treasury benches were frequently unable to hear what was going on, more especially so when draughts of hot air, issuing from the ventilators in the floor of the House, passed along through the centre of it.

The *Chancellor of the Exchequer* admitted the difficulties complained of, but feared the alterations which would necessarily be required to obviate them were almost impracticable. The ceiling, in the first place, should be lowered to the level of the windows; the windows in such case should also be moved—an alteration which he apprehended the walls might not sustain. This should be followed by the lowering of the galleries which appeared to him all but impracticable.

Mr. *Hume* observed, that he had lately consulted many eminent architects respecting the construction of buildings, and he was free to confess that they all differed in their opinions as to the best mode of securing the advantages now sought by the proposed alteration. He could not, therefore confidently suggest any plan for the consideration of hon. Members, but, without any of the alterations alluded to by the Chancellor of the Exchequer, he thought that very great improvement might be effected by some slight changes in the interior of the House. Such was his opinion regarding its present state, that he felt convinced any experiment would be for the better.

Mr. *Warburton* expressed his inclination to leave the matter to the discretion of the Chancellor of the Exchequer: recommending him at the same time, however, to read the evidence of Dr. Reid, and to act upon his suggestions. That gentleman had erected a public shed in Edinburgh, which on trial had proved eminently successful in conveying sound.

Dr. *Bowring* agreed with his hon. friend that some experiment should be made, the more particularly as they were about to erect new Houses of Parliament, in the building of which they would have the experience and benefit of that experiment. He, therefore, would suggest that Dr. Reid, who was examined before the Committee, should be called upon to say what alteration could in his opinion be judiciously made in that House.

Mr. *Wakley* said, he could suggest several beneficial alterations, which would be, he might say, unattended with any expense. He would, in the first place, have the table removed from its present position, immediately before the Chair, to the centre of the House, at the same time removing the Treasury benches also to the centre; and he would in the next place remove the Chair further back, for it was in itself a great obstacle. He had been in the reporters' gallery himself on occasions when the Speaker was addressing the House, but a single sentence of what the right hon. Gentleman uttered he could not hear. From the situation of the Speaker it was utterly impossible he could be heard, although he by no means spoke in a low tone of voice. These were alterations which could be made without expense, and at no inconvenience. The construction of the House with reference to sound was radically defective, but he would not recommend the Chancellor of the Exchequer to go to any great expense with a view to remove that defect, because he felt convinced any attempt of the kind would fail. If the lowering of the ceiling could be effected at a moderate expense he had no objection to it, but otherwise he should hope merely to see the alterations he had suggested made before the next Session of Parliament.

Mr. *Buckingham* said, that there was a previous question which ought to be determined, before any just decision could be come to as to the matter under discussion, and it was this:—The House should first get rid of the absurd fiction which still formed part of its standing orders, namely, that it was a breach of privilege to take any reports of its proceedings at all. When it had determined, by a rescinding of this absurd order, that it was right and proper that its debates should be reported, it might then apply itself without difficulty to the best method of doing this well. Now, in the debates which took place in this House, there were two objects constantly in view, —the one was, to make such statements of fact and argument as should justify the view taken of the subject, by the individual speaking, and prevail, if possible, upon those who heard him to adopt his opinions; this might clearly be done without the aid of reporting. The other object of debating was, to inform the whole country of the proceedings of its Representatives; and nothing was more frequent than the admission of this fact in the course of the debates themselves. If so, did it not follow, as a matter of course, that the utmost pains should be taken, not merely to secure the best reporters that the country could furnish, but to place them in the best position of the House for hearing, and still more to place them so effectually under the control of the House, as to ensure their giving a full and accurate report of all that transpired with the utmost impartiality. Was that the case at present; or was it not, indeed, directly the reverse? Not a single reporter engaged in taking down the debates belonged to the House; among them were some of the most skilful, but many also of but moderate capacity—and some that were mere learners in the art. They were placed in almost the very worst part of the House for hearing—and they were under no degree of responsibility or control whatever to the House itself: except, indeed, that they might be brought to the bar for breach of privilege, for presuming to take any report at all, however accurate it might be. What was the natural consequence? Why this, that every reporter took down as much, or as little of the speeches as he chose—thus erecting himself into a censor and a judge—while he omitted altogether any mention even of the names of very many of the Members, and of the fact that they spoke at all. Besides this mangling and mutilation on the part of the reporters, there was the further exercise of the caprice of the editor when these reports got to the office; each editor abridging, or wholly omitting, even the fragments that had been brought to him according to the party bias of the paper he conducted. The reports of the debates in Parliament, as published in the newspapers, were therefore, he would venture to say, amongst the most imperfect, and most garbled, and unfair records of any public proceedings in the whole world: and although those who read the public journals only could not discover this, since they knew nothing but what these journals conveyed to them, yet, whoever passed much of his time in that House, as an actual spectator and auditor of what transpired, and looked into the papers of the following day, must have constantly seen that nearly the half of what was said and done, was wholly omitted, at the mere discretion of the reporter or editor, and that of the half that was reported, the inaccuracies were excessive, except in the speeches of some particular Members—such as the great leaders of the two political parties, or persons who had other claims on the favour of those, on whose will alone it depended as to who should be heard by the country, and who should not. There was no remedy for this, but that of the House taking the matter entirely into its own hands, when he should be prepared to shew, that with no additional expense to the country, an arrangement might be made that would secure a full, faithful, and impartial report of all their proceedings under the official authority of the House itself, leaving the newspapers to make as much or as little use of this as they thought proper; but presenting an original and authenticated report, for the information of the country, and for the credit of the House itself; to which any one might refer when they chose. On the subject of the best form of the House for hearing, it seemed to be thought by some Gentlemen that the principles of acoustics, as applied to architecture, were at present but imperfecly understood. But there was one fact which was incontrovertible, which was this: that from the construction of the first public theatre by the ancient Greeks, up to the present day, the best form for hearing, had been found to be the semi-circular; and therefore it was, that the Romans, following the Greeks, the Italians following the Romans, and all the modern nations of Europe coming after these, had everywhere constructed their public theatres, in which the facility of hearing well, was of the first importance, in different variations of the semi-circular form. [An *Hon. Member*, they spoke only from one point.] That might be the case generally; but he had known repeated instances in which speakers had addressed the auditory from different points of the body of the theatre, addressing the stage, and they were just as well heard as persons speaking from the stage itself. Hence it was, that not only in the dramatic theatres of Europe was this the form universally adopted, but in almost all the senate houses, and legislative chambers of the world, it was preferred. In France, the Chamber of Deputies and Chamber of Peers were both of the semi-circular shape; in Belgium it was the same. In America, the House of Representatives was so constructed; and the theatres of all the literary and scientific institutions of England, when built expressly for that purpose, were formed on this ancient Greek model—from the Royal Institution, in Albemarle-street, and the London Institution, in Moorfields,—to the Mechanics Institutions in almost every town of the kingdom; and whoever would refer to the beautiful plan of that excellent architect, the late Mr. Goodwin, for a new House of Commons, formed on the model of the horse-shoe semi-circle, contracted at the radius end, and expanding at the circular, engraved as part of the evidence given before the first Committee on building a new House before the fire of 1834, would see how practicable it was, to unite a very high degree of architectural beauty, with the most important requisites, distinct hearing, easy access, and comfortable accommodation; and he hoped that in the construction of the new Houses of Parliament, all these points would be embraced.

Dr. *Bowring* complained that discussions in Committee, which would on many occasions prove interesting to their constituents, were not reported. On the present occasion, for instance, when they were voting away public money, he supposed what was taking place would not meet the public eye. He hoped the question would be formally brought forward by his hon. Friend, the Member for Middlesex, with a view to secure full reports of their proceedings as was the case in France and Belgium.

The *Chancellor of the Exchequer* said, that there should be no neglect on the part of the Government to obtain information respecting the improvement of the House against next Session, and he would, if practicable, be very glad to make some experiment with reference to sound. He hoped the House would not be led away by the observations which had fallen from the hon. Member who had spoken last. He confessed he was satisfied with things as they were. All these conversations in Committee might be very important in the due and necessary discharge of their duty, but of what interest were they to the public? Or, even supposing they were of public interest, and that they were to be reported, where, he would ask, would they find readers for the immense mass of matter which they would amount to in print? It was all very well for hon. Gentlemen to talk of getting the proceedings of Parliament fully reported for the benefit of the public, but of what utility would it be if they could not find readers? For his own part, he was disposed to leave to reporters the discretion which they at present exercised, of giving to the public what they conceived the public would take an interest in.

Mr. *Hume* observed, that the Chancellor of the Exchequer might say what he pleased, but one practical proof was worth a dozen theories; and he therefore begged to direct his attention to the Legislative Assembly of Belgium, where their proceedings were reported in full. [The *Chancellor of the Exchequer*: How long do they sit?] Five or six hours, but that did not matter, for if they sat ten hours, and their proceedings were important, they would be reported at equal length. He did not mean to say that every word was reported, because that would be unnecessary, but every thing of importance was. He complained of the very different manner in which matters were conducted in this country. It was only last night that they had a discussion of some length on the Benefices Plurality Bill. In conjunction with other Members he had opposed it, and though the Bill went into Committee, the progress made in it there was not very considerable. A gentleman had called upon him that morning, and had told him, that he was much surprised to find, that that Bill, which he suspected would have met with great opposition, had passed the third reading without opposition, according to the report in the *Times*, which he said, was very meagre and very unsatisfactory. He had not seen that report himself; but if such a statement were contained in that paper, nothing could be more intentionally erroneous. He also complained that after a certain hour in the evening the reporters made a point of stating that the other orders of the day were then disposed of. This led their constituents to believe that they led a very idle life, and did nothing for the country. But if any personal quarrel arose in that House, the report was then given fully and fairly, even to the very words; and then their constituents were led to believe that they formed nothing but a mere meeting of brawlers. In point of fact, things had come to such a pass, that the House must have an organ of its own for the publication of its debates. He would give notice that he would, in the course of next Session, move for the appointment of a Committee to see whether this could not be done. He wanted nothing but facts to appear in the Reports, and to put a stop to the erroneous statements which went forth at present to the public.

Colonel *Sibthorp* said, that all this declamation was used for no other purpose than to make a tedious and unfounded tirade against the reporters. Of all men in the House, none had less reason to complain of the reporters than the hon. Member for Middlesex, for no man was more indebted to them. If they were to measure the reports of the Session by the inch rule, they would find at least a mile of reports headed by the name of that hon. Member. If the hon. Member had spoken more than that, and it had not been reported, it was because it was not worth recording.

Mr. *Robinson* thought, that this was too large a subject to be discussed now. There was no analogy between the business transacted in the Legislative Chambers of France and Belgium and that transacted in the House of Commons. If the House of Commons were to have a thorised reports of its own, it must also have an authorised newspaper. Now, he would take upon himself to say, that no newspaper in that metropolis could report all the matter which occurred in that House with any hope of realising afterwards a profitable sale.

Sir *Robert Inglis* called the attention of the Committee and of the Chancellor of the Exchequer to the extreme inconvenience to which hon. Members were exposed who had occasion to visit the library in the dog-days. He hoped that something would be done to remedy it.

Mr. *Aglionby* suggested, that some additional remuneration should be given to those clerks of the House who had attended late and early for the purpose of taking the divisions.

Mr. *F. Baring* was not prepared to propose any specific vote for that purpose. He agreed, however, that those clerks were entitled to a fair remuneration for their services. There was a balance of 3,000*l.* less for the expenses of the House, and he thought that out of that sum this remuneration could be made.

Vote agreed to.

On the question that 6,496*l.* for the completion of the repairs of Buckingham Palace be granted,

Colonel *Sibthorp* protested against the enormous and prodigal expenditure of public money lavished from time to time towards the repairs of Buckingham Palace. After all, it was doubtful whether it would ever be occupied; and the country had a right to know whether, in fact, this would be the last grant called for under this head.

The *Chancellor of the Exchequer* hoped the Committee would bear in mind, that the present Government were not responsible for the truly enormous sums which had been expended in the repairs of Buckingham Palace. Lord Grey's Government had submitted the whole question to a Committee of that House, and the result of their investigation was, a recommendation that a certain definite expenditure should be fixed. He admitted there had been a most unwise expenditure under this head; and the most ample and becoming accommodation for the Sovereign might well have been produced for much less than half the money. The present vote originated in certain works the charge for which had been matter of dispute, but being now adjudicated on, it was proper, provision should be made for the payment. He did not anticipate that anything material in addition to this vote would be called for.

Mr. *Warburton* agreed with the gallant Colonel (Sibthorp), that a more scandalous job had never been perpetrated in the country than what had from the beginning been called the repairs of Buckingham Palace, although it was notorious not two bricks of the former building had been left together.

Mr. *Hume* had lately visited Buckingham Palace, and felt bound to say, it was in a much more perfect and satisfactory state than he ever expected to have seen it. It was ready to be inhabited to-morrow. But if Buckingham Palace were to be inhabited, he wished to know what was to be done with St. James's ?

Mr. *Ewart* recommended Government, during the alterations that would be necessary in the present Houses, and the erection of the new, to put St. James's Palace into a state which would supply the requisite temporary acommodation for the meeting of Parliament.

Vote agreed to.

The next vote was 400*l.* to defray the expenses of preparing " an adequate portion of the stranger's gallery for the admission of ladies."

The Earl of *Lincoln* objected to the vote. He could not help feeling that the subject had been brought forward as a mere joke, and it was never supposed by the majority of the House that the proposition would be adopted.

The *Chancellor of the Exchequer* stated, that the Government would not have originated a vote of the kind, but the House had already come to the determination of having a portion of the gallery set apart for ladies. He had voted against that proposition; but having found himself in a minority, he had felt it to be his duty to submit an estimate of the expenses of the proposed alteration to the House, and it rested with the Committee to deal with it as it pleased. Neither the arguments urged at the time, nor the subsequent reflection he had given to the matter, had induced him to concur in the proposition.

Mr. *Freshfield* said, so far from the matter being regarded as a joke, that the motion was adopted after the most deliberate consideration had been given to the subject. He was of opinion that it would be highly advantageous to admit well-informed and intelligent women to the discussions of that House. He thought that the knowledge that ladies were present would tend to prevent the recurrence of that want of courtesy which was occasionally manifested during discussions in that House. He could not help feeling that the opposition now made to the vote was rather unfair as the House had already come to a determination in favour of the motion. He begged the Committee to recollect that the proposition had twice been agreed to by the House, and although the noble Lord the Secretary for the Home Department, on both occasions opposed it, yet, on its being carried, stated that, notwithstanding the opinion he entertained on the subject, he felt bound to carry into effect the desire of the House. The only regret that he felt on the subject was the smallness of the estimate, as he did not think that sufficient accommodation could be afforded for such a sum as 400*l*. The House of Lords on this subject had set an example which should be followed.

Mr. *Ewart* should like to know whether any hon. Gentleman ever observed any evil or inconvenience result in the Chamber of Deputies in France in consequence of ladies being admitted to hear the debates?

Mr. *Tooke* was of opinion, that the presence of the ladies, instead of having any good effect, would be productive only of disorder and interference with the business of the House, because Members would be abstracted from their places in order to attend to the accommodation of their female friends. In fact, he thought the plan altogether would endanger that grave and sober temper in which they ought to discharge their duties in that House. He thought it would be much better to let the ladies acquire political intelligence through the ordinary channels, than to bring them there to keep bad hours, and witness proceedings that would not always be agreeable to their feelings.

Mr. *Philip Howard* would vote against the grant, because he was convinced that the good sense of the country was opposed to making the ladies of England political partisans.

Mr. *Potter* hoped the Members of his Majesty's Government who were present would not go after their leader, the noble Lord, the Secretary of State for the Home Department, who had declared, that he did not mean to give any further opposition to this measure, after the two resolutions of the House in its favour.

Mr. *Poulett Thomson* said, his noble Friend, the Member for Stroud, had stated, that as the House had come to a decision in favour of the question, he did not wish to see it agitated again on the same grounds and in the same manner. But his noble Friend was then perfectly aware, that in order to carry the recommendation of the House into effect, it would be necessary to submit a pecuniary proposition to the House in a Committee of Supply, and that the fate of the recommendation depended upon the result of that proposition. His noble Friend had given no pledge in favour of this plan; on the contrary, he still held the same opinions which he held before the House decided in its favour. He should certainly oppose the motion. He thought they ought not to be guided by what passed in the French Chamber of Deputies—a place which he had visited, and he must say, from the disorder which he there witnessed, he hoped this House would not imitate so bad an example.

Viscount *Palmerston* said, that as he had been appealed to directly, and as the Government seemed divided in opinion on this question, he did not wish to subject himself to the misunderstanding to which his giving a silent vote might give rise. He had a right to say that this was not a Cabinet question. He differed entirely from the sentiments expressed by his right hon. Friends who had spoken on this occasion, and he voted for the resolution on which the estimate was founded, because he could see no inconvenience that could arise from the presence of ladies during their debates. For the first night or two some trifling inconvenience might perhaps be felt; but after the novelty had worn off they would say of the ladies' gallery, as Mr. Wyndham had said of another gallery when reminded that he could not be heard if he did not speak out, that when he spoke he forgot that there was such a thing as a gallery in the House. It had been said, that the ladies took no interest in the proceedings of that place; but he believed that they took very considerable interest in them, and thinking that no harm could result from their presence, he was anxious that they should be admitted.

Sir *John Hobhouse* said, that he dissented most decidedly from what had fallen from his noble Friend who had just sat down. He had considered the matter as a mere joke, and he considered it so still, for in his opinion nothing could be more absurd or preposterous than the motion on which the estimate was founded. He had a strong feeling against the proposition, because many things passed in that House, and necessarily in the elucidation of particular measures, which could not be listened to by ladies, and because they ought to have some place to retire to in which they would be relieved from everything like political strife and annoyance. He certainly should not like to be obliged to debate over again in a drawing room the different questions which might be discussed in that House, and if they were to agree to the present proposition he was quite satisfied that it would be impossible to continue society on the footing on which it now happily stood. As far as literary knowledge was concerned he was as desirous as any man to extend the means of information to the ladies; but certainly he did not wish to see the peace and comfort of men's homes disturbed by having the discussions of the over night renewed in the day, as would be the case if this proposition were acted upon. France had been alluded to; but without any disparagement to France, he should be exceedingly sorry to see the state of society in that country transferred to this. It was in his mind most indecent to see high-bred females present during the debates, and when he saw them in the House of Lords he had often shuddered. In the course of a debate it was impossible to prevent allusions from being made which no man could wish his mother, sister, wife, or daughter to hear; and, therefore, considering this, as he did, to be a very bad joke, he hoped the Committee would rectify the mistake into which the House had fallen.

The *Speaker* said, the House having twice already decided in favour of the admission of ladies to the Strangers' Gallery, I have felt it a matter of great doubt whether or not I ought to give any opinion at all upon the question: but as I have now been specially called upon by the House to do so, I must say, that having well considered the subject, and looking at it as a question of great importance, with reference to the preservation of the order and decorum of our proceedings, and with reference to the influence which may be exerted by such a course on the deliberations of this House, and viewing it also as a question awaiting the confirmation of the Committee this night, I have come to a distinct and positive opinion, that the measure is undesirable. As it is the first time I have expressed my own individual opinion upon this subject, I beg to say, that I have now done so without reference to those whom it may please or displease, but solely in discharge of what I conceive to be my duty to the House. Considering the proposition in all its bearings, I must repeat my decided opinion, that it is most undesirable and inexpedient.

Mr. *Aglionby* thought the only preposterous feature in the whole question was the kind of objection set up to the proposition. He was quite surprised that a Gentleman possessed of the extreme sensitiveness now exhibited by the right hon. President of the Board of Control had never lifted up his voice against the practice of admitting ladies to the lantern of the old House.

Sir *John Hobhouse* said, it was a practice which had always excited his disgust.

Mr. *Aglionby* said it was a great pity, then, that the right hon. Baronet's disgust had not been embodied in words upon some occasion.

Mr. *Goulburn* must dissent from the doctrine that because the House had once voted in favour of a particular measure they were bound to adhere to that opinion in Committee of Supply. He was opposed to the admission of ladies to their debates. The admission should be indiscriminate or select. If indiscriminate, who would wish wife and daughter to be present; and if select, who would wish to undertake the invidious task of excluding particular persons.

Mr. *Buckingham* had often heard it remarked out of doors, that the House of Commons was at least half a century behind the rest of the community, in soundness of understanding, and in accuracy of taste and feeling; and he could not help saying that the discussion on this subject gave to his mind a striking confirmation of the justice of the reproof; for he did not believe there was any other assembly in existence—he was quite sure there was no assembly in England—in which the discussion, as to whether ladies might be permitted to be present at their debates, would have been conducted in a spirit of so much contempt for the understandings of women, and so utter a disregard to their intellectual character, as had characterized this debate of the assembled Commons of Great Britain—and he believed that some of the speeches delivered on this occasion, if they were faithfully reported, or indeed if they were reported at all, would be read with the utmost surprise and indignation. To take the speech of the right hon. Baronet the President of the Board of Control (Sir John Hobhouse), a Member of his Majesty's Government, and who, as a Cabinet Minister, was obliged to pay his necessary homage to the Queen;—to hear the expression of his horror and disgust (for those were the terms he used) at the bare idea of any English female taking any interest whatever in politics, one would imagine that the right hon. Baronet must revolt with a horror and disgust more inconceivable still at the country being governed, as probably it soon might be, by a female sovereign, in which case, of course, the right hon. Baronet would instantly resign. To hear the right hon. Baronet talk, one would think, first, that the women of England were at present wholly ignorant, and wholly indifferent to, the public affairs of their country; and next, that by the simple act of admitting some twenty or thirty ladies, chiefly, perhaps, the relatives of Members of that House, occasionally to hear the debates—the whole of the females would be converted into *mere* politicians—would cease to become good wives and good mothers—and be so many firebrands casting nothing but discord into every circle of society. It was really difficult to say which of these views was the most remote from the truth; but that they were each entirely devoid of foundation he thought all impartial persons would admit. The women of England, were often as well informed on matters of history and policy as the gentlemen themselves, and quite as competent to form an accurate opinion on the subjects of interest that engaged the public mind; and it was fortunate that it was so; because, having an influence over the conduct of men, through the sources of their affections, the question was, whether that influence was safest when exercised in ignorance, or when based on accurate knowledge. The first assumption of the right hon. Baronet being erroneous—if the second were examined, it would be found to be equally so. It might be thought, indeed, that the question of admitting ladies to hear the debates was now first raised, and that the experiment was now first to be tried—so full was the right hon. Baronet's mind of dreadful apprehensions on this score. But did the right hon. Baronet not know that for centuries past, ladies had been admitted, by an order from the Sergeant-at-Arms, to hear the debates of the House of Commons, in the ventilator of the old House—that for centuries past, ladies had been permitted to fill the body of the House of Lords on the opening and closing of every Session of Parliament—and while Peeresses have the privilege of hearing all the debates from the space behind the throne, and the ladies of Commoners enjoyed the same privilege in the gallery of the House of Lords—and had the right hon. Baronet ever heard it once alleged that this practice had been attended with the slightest inconvenience to others, or productive of the slightest evil to themselves? Indeed it was absurd to suppose, that while the women of England read the public journals, and studied the history of their country, so as to enable them to join in the conversations of men at the dinner table and in the drawing room—any danger could arise from admitting them to hear the debates on the same topics in the House of Commons. The right hon. Baronet said, indeed, that he "thought there would be a species of indecency in admitting the high-bred ladies of this country into the House of Commons. It was not flattering to the House of Commons to hear its proceedings thus characterised by one of its own Members; but for his part, he thought that while the high-bred ladies of

England were permitted to witness the ballets of the Italian opera, and to hear the equivoques and songs which too frequently disgraced our national theatres, the purity of their taste would not be in greater danger by attending occasionally to witness the proceedings of the House of Commons. But he would turn from the effects to be produced on the ladies by their admission, to the influence which their presence would have upon the conduct of the Gentlemen themselves. It was matter of every day observation that in proportion as women were well educated, so were they decorous in the exercise of every feminine virtue, (and he did not believe there were any women in the world superior to the English in this respect); and it was equally matter of constant remark, that their presence operated favourably in restraining the rude and boisterous manners of men. If hon. Gentlemen doubted this, he would only beg them to try the experiment of attending some public meeting at the Crown and Anchor Tavern, where men only constituted the auditors, and attending some other public meeting at Exeter Hall, where females formed an equal portion of the assembly, and they would then see how powerfully the presence of the latter operated to produce order and decorum. For his own part, he had never known an instance to the contrary; and it was his earnest wish and desire that those who were worthy of the society of man as equals at his banquets and festivities, should be regarded as his equals in every intellectual enjoyment—and he was satisfied that the more this was the case, the better it would be for the community at large. So long too, he would observe, as mothers took an important part in the education of their sons, so long was it proper, as their sons must in time become citizens, and perhaps senators in their turn, that mothers should themselves be rightly informed as to those principles which it was desirable that their children should imbibe. The observation, indeed, was often made, that women should have nothing to do with politics, as they were altogether out of their sphere. But he had never heard this observation, without being reminded of the happy reply of the celebrated Madame de Stäel, of whom the following anecdote was told. This distinguished female, as was well known, exercised considerable influence over the political circles of Paris, by the admirable productions of her pen; nor was the influence of her conversational talents in the society of that capital less powerful in exposing the despotism and restraining the unbridled will of Napoleon, in his most arbitrary days. On one occasion, the Emperor of the French, on receiving her at the Court of the Tuilleries, is said to have complimented Madame de Staël, on her brilliant talents and unrivalled powers—but to have expressed a regret that instead of being confined to literature and the arts, her best and happiest sphere, they were too much devoted to politics, which were beyond a woman's province. To this, the accomplished daughter of Neckar readily replied, "Will your Majesty do me the great kindness of defining what is meant by politics—as a subject to be forbidden to women—and if we agree in the definition, we may enter with greater hope of success on the discussion to which the subject may lead." Napoleon was silent—unwilling probably to commit himself with so able an adversary—when Madame de Staël rejoined and said,—"Perhaps your Majesty will condescend to permit one of your subjects to attempt such definition, and set her right if she errs. By politics I do not mean the noisy disputes which begin and end in ringing changes on the watch words of particular parties in the state, each striving for the mastery, because of the emoluments it brings; but by politics I understand the science of government, and the art of forming such institutions as shall produce the greatest sum of happiness to those who live under them. Is this a subject on which your Majesty will venture to say that women ought to have no knowledge, and in which they can have no share? Besides forming our own sex, an equal half of the number of created beings in the world, and on the score of numbers alone, entitled to some attention, do we not stand in the endearing relations of daughters, sisters, wives, and mothers to the other half of the creation? Can your Majesty then say, that when by mistaken policy and bad government, our fathers, brothers, husbands, and sons, are condemned to exile or imprisonment, or are rendered in any way unhappy by the unjust exercise of power, that we shall not weep for their misfortunes, and sympathise with their sorrows; and if they can be made happy by good government, shall we not take an interest in promoting it, and share with them their triumphs and their joys? If your Majesty can root out and destroy those ties of nature which make us feel for the misery or the happiness of others, then may you interdict the subject of politics from female consideration; but till you can do this, women of education will feel and think on all that can ameliorate the condition of their fellow-creatures; and to make them feel and think rightly, it is well that their judgments should be called into exercise on correct principles and accurate information." He would apply the admirable reasoning of Madame de Staël to the present case; and he thought that all who admitted the soundness of her reasoning, would vote with him for the proposition before the House, which was to admit of proper accommodation being afforded to the ladies of England to hear the debates of the House of Commons—the adoption of which would do them honour, and the rejection of which would, he thought, be a standing reproach to all those who should vote for their exclusion.

Viscount *Howick* was quite prepared to support the proposition upon the general principle involved. He must confess that he could by no means attach the same importance to excluding females from the gallery of the House which was expressed by his right hon. Friend. On the contrary, he thought that the desire of ladies to hear the debates in Parliament, or to listen to the speeches of those in whom they took an interest, was not only very natural, but very laudable, and he was quite ready to promote it.

Colonel *Sibthorp* supported the proposition. He had seen ladies of the highest rank attending at courts of justice, and why should they not be allowed to be present in the House of Commons?

The Committee divided:—Ayes 28; Noes 42: Majority 14.

List of the AYES. *(Not-official.)*

Baring, F. T.
Bernal, R.
Blake, M. J.
Bowring, Dr.
Brotherton, J.
Buckingham, J. S.
Burdon, W. W.
Butler, Col.
Crawford, S.
Ewart, W.
Freshfield J. W.
Hindley, C.
Hume, J.
Howick, Lord
Palmerston, Viscount
Philips, M.
Potter, R.
Richards, R.
Robinson, G. R.
Ruthven, E.
Sibthorp, Col.
Smith, B.
Tancred, H. W.
Thornley, T.
Tulk, C. A.
Villiers, C. P.
Wakley, J.
Williams, W.

TELLER.

Aglionby, H. A.

List of the NOES.

Baines, E.
Baring, T.
Blamire, W.
Bonham, F. R.
Brady, D.
Carter, B.
Chalmers, P.
Donkin, Sir R.
Fremantle, Sir T.
Gladstone, T.
Gordon, R.
Goulburn, H.
Grey, Sir G.
Hector, C. J.
Hobhouse, Sir J.
Inglis, Sir R.
Labouchere, H.
Lennox, Lord G.
Lynch, A. H.
Macleod R.
Mangles, J.
Maule, Fox
Morpeth, Lord
Morrison, J.
Murray, J. A.
O'Ferrall, M.
Parnell, Sir H.
Perceval, Colonel
Pusey, P.
Ross, C.
Seale, J. H.
Seymour, Lord
Shaw, F.
Smith, V.
Spry, Sir S.
Stewart, P.
Thomson, P.
Thompson, Alderman
Tooke, W.
Warburton, H.
Woulfe, Sergeant
Young, G. F.

TELLER.

Lincoln, Lord

Grant rejected.

On the question that 9,250*l.* be granted for the purchase of certain etchings and vases for the British Museum,

Mr. *Wakley* said, it was worthy of remark that though the Government refused to sanction the vote of 400*l.* for the erection of a gallery for ladies, in favour of whose accommodation the House had twice decided, the Committee was now called upon for a vote to meet an expenditure that had been made without the authority of the House.

The *Chancellor of the Exchequer* said, if the etchings had not been purchased when they were they would have been lost. As a proof of their value he might state that 1,000*l.* more than the Government gave for them would have been offered the next day by the agent of a foreign power. While he held his present situation he would not hesitate, with a view to the improvement of art, to make a purchase on his own responsibility when the sanction of Parliament could not be obtained.

Sir *Thomas Fremantle* thought, it would have been extremely improper in the Government to have erected a gallery without the sanction of the House, that being a debateable question; but the case was very different with respect to questions on which the House might be expected to be unanimous. For instance it could not be expected that there would be much difference of opinion as to the propriety of securing valuable works of art.

Mr. *Warburton* believed that the purchases of the British Museum were not always conducted with the greatest judgment. The *elite* of the collection he understood to have been purchased by the French government: we had bought only the refuse.

Mr. *Bernal* doubted if the British Museum ever had the power of purchasing the whole collection. This Government laboured under great disadvantages as regarded the purchase of works of art. For every 1,000*l.* expended by this country in that way, 3,000*l.* or 4,000*l.* were expended by France and Austria.

Sir *John Hobhouse* thought it a great pity that this great nation had not some authority to secure that which, once lost, could never be obtained.

Vote agreed to.

On the question that 1,500*l.* be granted for a school of design, with a view to the improvement of the national manufactures,

Mr. *Williams* observed, that it would be desirable to extend the advantages of this grant throughout the country. It would be particularly serviceable in the city of Coventry, where a school of design already existed, in connexion with the Mechanics' Institute.

Mr. *Poulett Thomson* admitted, that it would be desirable to extend the influence of such institutions through the country, but grants of 40*l.* or 50*l.* to each town could be of no use, neither did he wish to see these schools of design in connexion with mechanics' institutes, as the variety of objects there pursued would distract and weaken that attention which, when excellence was the end sought, should be directed to only one object.

Vote agreed to.

On the question that 38,289*l.* be voted to the Governor and Company of the Bank of England for losses incurred in 1831 upon the silver coinage.

Mr. *Hume* objected to the vote. He thought that this was a matter that ought to be explained. He did not understand why they ought to be called on in 1836 to defray an expense which it would appear had been incurred in 1831.

Mr. *Goulburn* observed, that the Bank was not bound to receive more than 5*l.* in silver. It had, however, done so, and the question now was, whether the public was to have this advantage and the Bank to be a loser?

Alderman *Thompson* remarked, that the Bank, being no more than any other person in the community bound to receive more than five-pounds in silver, had, however, done so, and this for the accommodation of the public. The consequence was, so great an accumulation of silver, that the Bank was obliged to melt it down for the purpose of exportation as bullion. By this means the Bank was a loser of ten per cent., and the public had that advantage. It was then only fair, that the Bank should be repaid. It was only proposed to give to the Bank five per cent., the half of that which the country had received.

Sir *Thomas Fremantle* stated, that the Bank had served the public greatly. Had 600,000*l.* which the Bank received, been allowed to remain in the country, the Government could not have received seignorage more than once upon it, while by the transactions of the Bank the Government received seignorage twice upon that sum.

The *Chancellor of the Exchequer* regarded this as a very important subject, and he promised that, should he have the honour to fill next year the situation which he then held, he should, having in the mean time consulted with the Master of the Mint, bring it under the consideration of the House. With regard to the delay which had taken place in bringing the subject of the present Resolution under the notice of the House he begged to say, that that was entirely owing to the changes which had taken place in the Government since the minute was drawn up, which was in the time that Lord Spencer was in office, before the dissolution of Lord Melbourne's first Administration.

Sir *John Reid* thought the explanation which had been made by the Chancellor of the Exchequer on this subject was in every respect satisfactory, and that it certainly appeared from the right hon. Gentleman's statements that the Bank, insteap of being gainers had been losers by this transaction.

Mr. *Robinson* thought, that the delay which had occurred in bringing this minute under the notice of the House, however some hon. Members might be disposed to complain of it, was in itself no sufficient reason for opposing the present vote.

Mr. *Hume* wished to know what possible benefit the public had derived from the melting down of this coin, as on that depended the whole gist of the question, and the propriety or impropriety of allowing this vote.

Mr. *G. F. Young* said, there could be no doubt that it was better to melt down this coin than to keep it lying idle in the coffers of the Bank; but the question was, who had the benefit from so doing? He thought the Bank.

Mr. *Hume* thought the delay which had occurred in bringing forward the minute which had taken place in respect to this proceeding was highly reprehensible; and he should therefore move, that the further discussion on the question be postponed until all the information connected with it was produced.

The *Chancellor of the Exchequer* hoped, the hon. Member would be satisfied if he got the information he sought for by the time the report was brought up, the House would then have an opportunity of disagreeing to the vote, if the information adduced on the subject were not satisfactory.

Mr. *Hume*, upon that understanding, consented to withdraw his opposition.

Vote agreed to.

The House resumed.

Stamp Duties—Newspapers.] The Newspaper Stamp Duties Bill, with amendments, was brought from the Lords

The *Chancellor of the Exchequer* said that if the hour was earlier than it was, he had great hopes then, that even at the present advanced hour the House would bear with him for a moment, whilst he stated the course which he proposed they should adopt in reference to this Bill, as it was brought up to them amended by the House of Lords. In the first instance, before he proceeded further, he should move that the amendments be read by the Clerk at the table.

The amendments having been read,

The *Chancellor of the Exchequer* said, that the House having now official cognizance of what he supposed most of its Members were previously, through other channels of information, aware of—having now a knowledge of the amendments made by the House of Lords in this Bill, he would at once state that he thought it perfectly immaterial to enter upon the consideration of those amendments, inasmuch as they were amendments made by the House of Lords in a Bill of aid and supply, which he need not inform the House was a direct violation of their privileges. No one individual in that House had exerted himself more strongly to maintain, in all due respect, the privileges and rights of the House of Lords, as a coordinate branch of the Legislature, than himself, but upon the very same grounds that he had done so, he now felt it to be his duty to maintain what was due to their own privileges in the House of Commons. There was no principle more decidedly laid down, and less open to controversy, and least from any one in that House, that to the House of Commons, and to the House of Commons alone, it belonged to deal in all matters of aid and supply. He admitted that the application of this principle was open to some just and reasonable limitation, and that if the House of Commons were to endeavour to engraft upon a Bill of aid and supply matters quite foreign to the professed objects of such a measure, such an attempt would not be fairly within the operation of their privilege, and could not be protected by it. But in the present case he denied that such an attempt had been made by the House of Commons to stretch their privileges. The clauses which the House of Lords had rejected in this Bill were not such as were technically called "tacks," foreign to the subject matter of the Bill. True, the clauses so left out were not of his introduction. True, they were not in the original Bill brought in by him, but had been introduced into the measure, on the motion of other Gentlemen, in the course of the discussions which the measure underwent in that House. The one House, however, had not been taken by surprise in the introduction of these clauses; one of them had been introduced on the motion of an hon. Gentleman, not now in his place, and not one objection had been urged against it, at least by any one on that side of the House. The clause had been objected to, however, in another place, and had been struck out of the Bill, and now the only question was, how the House of Commons had to deal in respect to the Bill so altered? He apprehended that there was but one mode open to the House whereby to assert its rights and its privileges as an independent branch of the Legislature, and that was, not to agree in the amendments made by the House of Lords in this Bill. He thought that upon that point there could not be entertained the least shadow of a doubt. If he wanted authority in support of this, which he believed, however, no Gentleman on this side of the House could require, and which he thought Gentlemen on the other side would be reluctant to ask for—but if, as he said before, he did stand in need of an authority upon this subject, he should at once refer to a passage in the speech lately made by the right hon. Member for Tamworth, in which he declared that, "if the question was a question of privilege, and merely of privilege, no one would be more forward and ready than himself in defending to the utmost the privileges of that House." But he would not detain the House longer by discussing that which every one in the House must at once admit. He would assume, therefore, that the House was prepared to defend its privileges, and the question now was as to the best mode of dealing in such a case as the present. Having consulted all the authorities upon the subject in order to guide him in the course he should this night take up, the motion that he had now to make was, the amendments of the House of Lords having been duly read, that the Bill now in the Speaker's hands be laid aside. He would tell the House why he framed his motion in that form. If he were to move, that the amendments of the House of Lords be rejected in the way commonly proposed, he would, in fact, be proposing a motion against the very Bill originally introduced by himself into this House, for in such form the Bill was actually left by the omissions made in it by the Lords of the amendments introduced into it in the course of its discussion in this House. If he had done so, therefore, and the motion were agreed to, the House must be aware that they would be precluded from the re-consideration of the question in the course of the present Session, which was what he was most anxious to avoid. Considering the preparations which had been making on all hands by those connected with newspaper publications,—considering the vast changes and arrangements which they had commenced in anticipation of the passing of this measure—considering the expectations which had ripened in the public mind upon the subject, it must be evident that it would be a very great calamity to the country if, by any chance, this Bill, or some measure having the same object, was not to pass into law before the close of the present Session of Parliament; and if the state of things which now existed, through the present defective state of the law, was permitted to continue till the next Session. He had already stated to the House, on a former occasion, the open and undisguised violation of the law which had been for a long time past, and still was gaining head. He had told the House of the numberless punishments and imprisonments which were the consequence of these illegal proceedings, and by which it was vainly endeavoured to suppress or check them, and he would only ask the House, in the knowledge of these facts, would they permit such a state of things to go on for another year? On the contrary, if there were any good likely to result from the passing of a measure like the present, ought not the House to rush forward at once, and procure that benefit for the public without further unnecessary delay? He would remind the House that there was not one of the numerous body of intelligent men, whose capitals were invested in newspaper publications, and whose lives had been devoted to that branch of industry, who did not look forward with anxiety to the passing of this remedial measure, and he would urge the House not to interpose any delay which could possibly be avoided in granting them a boon of protection which they so earnestly desired. He might be told that it was late in the Session for the introduction of a new Bill, but he would answer this by assuring the House that the Bill which he was about to ask for leave to bring in was no new measure, and involved no single detail in which the House had not already acquiesced. If this measure had been met with strong opposition from any parties in the House, then, indeed, the case might be different, and there might be some reasonable ground to object to the introduction, at this period of the Session, of a measure which had been already so strongly contested. Such, however, was not the case, and he now merely called upon those who had assisted him in passing the present Bill, to lend him their assistance again in passing the similar measure which, with the permission of the House, he was this evening about to bring in. He was aware that there were many points connected with this subject about which differences of opinion existed in the minds of many hon. Members in that House; but what he said was, let them not at this period hazard the progress of this great question, by uncompromisingly maintaining their respective minor points of difference—let them not lend the sanction of the House of Commons to a litigious system like this, which he regretted to see already too much prevailed. Before he sat down he could not omit referring to certain insinuations which had been thrown out on this subject, and that in a quarter where he had certainly least of all expected to hear them. He certainly was hardly prepared to hear parties who had hitherto opposed any reduction at all in stamp-duties upon newspapers, now holding out a sort of promise, or professing an inclination for the total abolition of those duties. This was a bait which he was somewhat surprised to see held out; and if those who held it forth were men who knew anything of the sports of the field, and knew what was meant by a false drag—if they were aware of the use of a red herring in this way, in order to get the hounds off the real scent, and if they knew also by whom such expedients were usually resorted to, they would spare him (the Chancellor of the Exchequer) from further characterising the conduct of those who had recourse to such arts. What he had described was no other than the conduct of the poacher, and all he would say was, let not the parties he had referred to take up the course of the poacher on the present occasion, and impede him in the course of public utility which he was now called upon by his duty to take up, by holding out hopes and throwing out suggestions which they all the while knew would never be realised. The Bill which he should presently ask leave of the House to introduce was the same Bill in every particular as that which he had formerly brought in, with the sole exception of a slight alteration in the date when the proposed Act should come into operation, which was rendered unavoidable by the delay which had occurred in passing the measure. In the meantime, he had to move that the Bill now on the table be laid aside.

This motion agreed to, *nem. dis.*

The Chancellor of the Exchequer moved for leave to bring in a Bill in accordance with the resolution agreed to by the House, on the 21st of June, relative to the Stamp Duties paid on Newspapers.

Mr. *Goulburn* observed, that he thought the right hon. Gentleman had taken unnecessary trouble in dwelling so largely as he had done, in making the preceding motion on the necessity of defending the privileges of the House. So perfectly did he agree with the right hon. Gentleman on that subject, that he had thought it best to abstain altogether from speaking in reference to the motion which had just been made and agreed to by the House, because he thought that, in the case of such a motion, there should not even be the appearance of question or objection on the part of any Member of the House. With respect to the subject of the Bill which the Chancellor of the Exchequer now asked leave to bring in, whatever his own individual opinions might be on the subject, he should abstain from pressing them on the present occasion, and should not throw any opposition in the way of the proposed measure.

Mr. *Hume* did not think the Bill had suffered much from the omission of the clauses which the Lords had struck out; it might possibly be the better for wanting them. On the whole he was not at all sorry at what had taken place, and he only hoped that no delay would occur in passing the new Bill. For his own part, though he certainly thought the duty ought to be taken off entirely, he should not, on that account, oppose the present measure for its partial reduction.

Mr. *Potter* inquired what period the right hon. the Chancellor of the Exchequer proposed fixing for the new Bills coming into operation?

The *Chancellor of the Exchequer* replied, on the 1st of October, which was a fortnight later than the period originally intended; but the delay, he would observe, was none of his causing.

Leave given; Bill brought in and read a first time.

After a few words from Mr. E. Ruthven, which did not reach us,

The *Chancellor of the Exchequer* said, that under the peculiar circumstances of the present case, and being anxious to prevent further delay or obstruction in the passing of this Bill, the House would perhaps allow him to move, that the Bill be read a second time to-night.

Mr. *Goulburn*, though he quite entered into the views of the right hon. Gentleman, and was anxious not to throw unnecessary impediments in his way, was apprehensive that there might be some inconvenience in agreeing to his proposition. The House should be careful, after the course which it had just adopted in reference to the Bill sent up to it from the Lords, that in any new Bill which it might adopt and send up to the other House, on this subject, there should be no ground for objection on account of any alterations upon the clauses of the Bill already agreed to by the Lords, so as to avoid the possibility of any new amendments by the latter, which would again be fatal to the measure. He said this in reference to the intention which the Chancellor of the Exchequer had announced of altering the date at which the proposed Act should take effect; and although that alteration appeared certainly to be one of a very trifling nature, still it was as well to consider it well before it was adopted. He apprehended, moreover, that there was no such immediate cause for haste in the proceedings upon this Bill, and that there would be still time for it to go through the regular stages in the course of the present Session.

The *Chancellor of the Exchequer* observed, that if the Bill was now read a second time, there would be ample opportunity for considering the trifling variation in the present Bill from the former one, namely, the period of its commencing operation—when it got into Committee.

Mr. *Wakley* could see no reason for such precipitation with this Bill. It seemed as if the House was glad to have alterations made in their Bills for the very pleasure of putting them aside and bringing in new ones in their stead. For his own part, he was decidedly in favour of the clauses which had been expunged by the Lords. He thought no man should be allowed to print, or assist in printing, what he was not prepared to avow in his own name to society.

Sir *T. Fremantle* objected to taking two stages upon an important Bill like the present, especially as no notice had been given of the alteration from the original scheme proposed by it.

The *Chancellor of the Exchequer* said, it was highly important that the other House should have an opportunity of making some progress in the Bill, and of showing some intention in reference to it before the close of the week. He would, however, consent to postpone the second reading of the Bill till the next day, under the understanding that it might then be permitted to go through its remaining stages at one sitting.

Bill to be read a second time on the next day.

HOUSE OF LORDS,

Thursday, August 11, 1836.

MINUTES.] Bills. Read a third time, Spirits (Excise); Assessed Taxes; Court of Exchequer (Scotland); Foreign Lotteries; Ecclesiastical Appointments Suspension; Western Australia; Gold and Silver Plate (Scotland); Exchequer Suits in Equity Bills.—Read a second time:—Church Temporalities (Ireland); Sunk Road Island Militia; Ballot Suspension Bills.

Petitions presented. By Lord WYNFORD, from Penryn and Falmouth, against Stannaries Bill.—By Lord WHARNCLIFFE, from various Clubs, for an Alteration of the Law concerning Benefit Societies.—By Lord WYNFORD and the Earl of BURLINGTON, from various places for the Better Observance of the Sabbath.—By Lord FITZGERALD and VESEY, from St. Paul and St. Andrew's, Dublin, against the clause in Spirit Excise Bill permitting Grocers to sell Spirits.—By Lord WYNFORD, from Ludlow, taking notice of certain Provisions in Municipal Corporations' Act, and praying for the Relief of the Poor.

STAMP DUTIES (NEWSPAPERS).] The Newspaper Stamp Duties Bill having been brought up from the Commons,

Viscount *Melbourne* moved, that it be read a first time; and gave notice that he would to-morrow move, that the Standing Orders be suspended, in order that the Bill might then be put through the other stages. The Bill was the same as had been originally introduced by the Chancellor of the Exchequer into the other House of Parliament, with the exception of the substitution of the 15th of September for the 1st of September as the time at which the provisions of the Bill should come into operation. That alteration was requisite in consequence of the unnecessary delay to which the Bill had been subjected in their Lordships' House.

Lord *Lyndhurst* asked, why the noble Viscount did not move that the Standing Orders be now suspended?

The Earl of *Shaftesbury* said, it was necessary to give a day's notice when it was intended to move for the suspension of any Standing Order.

Lord *Lyndhurst* said, his reason for asking the question was, because he and other noble Lords on that side of the House were anxious to afford every facility for passing the Bill without delay.

The Bill read a first time.

STANNARIES COURT.] The *Lord Chancellor* moved the second reading of the Stannaries Court Bill, which he described as having for its object the alteration and improvement of the jurisdiction of the Stannaries Court.

Lord *Wynford* said, that this was a measure of very great importance, and would seriously affect immense interests, particularly the interests of adventurers in mines. Many of those who were connected with such interests were opposed to the Bill; and as they would not have time maturely to consider it before the prorogation of Parliament, he hoped that the noble and learned Lord would consent to postpone the measure to next Session.

The Earl of *Falmouth* said, that when his noble and learned Friend spoke of immense interests as being opposed to this Bill, it ought not to be forgotten that there were still more immense interests in favour of its being passed into a law. This he would assert, that immense and very unfair losses would be incurred by suitors if the Bill were not passed in the present Session. With respect to adventurers in mines, they went and took shares with their eyes open, and of course they would not act without proper advice. The rights of the public and of individuals would, he was sure, be taken proper care of in Committee, and therefore he hoped that their Lordships would consent to the second reading.

Lord *Lyndhurst* wished the Bill to be read a second time.

Bill read a second time.

FREE CONFERENCE.—CHARITABLE TRUSTS.] On the motion of the Earl of Rosslyn, a free Conference desired by the Commons was had, and Peers appointed to manage it.

On the managers returning, the Earl of *Ripon* reported to the House the reasons of the Commons for dissenting to the Lords' amendments, on the clauses relating to Charitable Trustees, and to the conferring the power of giving a casting vote to the presiding officer of the town council, on questions where there existed an equality of votes.

Lord *Lyndhurst* said, that in moving their Lordships to adhere to their amendments, he should not trouble them at any length. The questions which they had now to consider were two in number, and he thought the mere statement of their nature in a few words, would be sufficient to satisfy their Lordships that they ought not to depart from the amendments they had made in the Bill. The first which he would state was, that which related to Charitable Trusts. In the last Session of Parliament, when the Municipal Corporation Reform Act was under discussion, it was the opinion of their Lordships, as it was also the opinion of the other House of Parliament, that it would be advisable that a temporary provision should be made in respect to Charitable Trusts, in order to enable both Houses of Parliament to come to a satisfactory and permanent arrangement of the Trusts. With that view, a provision was introduced into the Bill of the last Session, by which the existing Trustees were continued in the management of the Trusts for one year longer. That time had now elapsed; but, unfortunately, the most desirable object of a final arrangement had not been accomplished. With a view to the accomplishment of that most desirable but difficult matter, it had this year been proposed, that that which was done last Session, should be followed—namely, to make again a temporary arrangement, and to extend the provisions of the former Bill to the end of the next Session of Parliament. That proposition had been made in the spirit and sense of what had taken place last Session. The proposition had been adopted by this House, it was not objected to by the other House, and noble Lords on his side of the House, conceived they were acting up to the spirit of what had been before adopted by both Houses in renewing the proposition again this year. To this, it was now objected that they were continuing in the management of these Charitable Trusts persons, who, it was insinuated, had misconducted themselves in that management. He apprehended, however, that there was not the slightest evidence to support that allegation. They had been selected for the trust in the Bill which passed last year; in that selection the other House of Parliament concurred, and therefore, if they were thought fit and proper persons then to be intrusted, he would ask the House what had occurred since to render them suspicious individuals, and as being unworthy to be trusted? There existed not the slightest evidence of any such misconduct. No complaint had been made against them (though it was open for any one to do so) to his noble and learned Friend on the woolsack. Further than this, it seemed almost impossible, considering the situation in which these Trustees were placed, that they could have misconducted themselves, or even attempted to have done so, even if they had been so disposed, for in every place they had been watched with most vigilant eyes by persons seeking and desirous to find fault with their conduct. If, therefore, these Trustees were thought fit to be intrusted last Session—if it was then with the entire concurrence and approbation of the other House of Parliament, he must beg to ask their Lordships what ground there was now for saying that they were incompetent to discharge the trust for another year, while, during the past year, they had conducted themselves honestly, faithfully, and honourably? The question for the consideration of their Lordships was now this—would they disgrace these Trustees, or would they again allow them to act? When it was remembered, that if not allowed to continue in the discharge of the functions, now vested in them, the duty of appointing new Trustees in their stead, would devolve upon his noble and learned Friend on the woolsack, and the expense of that mode of proceeding, would be considerable, he thought another argument was furnished in favour of this amendment, and by it of the continuance in office of these individuals for another year. He would not weaken the able argument advanced by his noble and learned Friend, the Lord Chancellor, on a former occasion, in which his noble and learned Friend described the difficulties which would arise, if the appointment of new Trustees being vested in him, by any language of his own. The House would remember that his noble and learned Friend had said, before he could appoint, it would be necessary for every one of the charities to present to him a petition—that being done, he must then consider the matter and prayer of the petition—it would then be referred to the Master to appoint new Trustees—for that purpose the Master must be attended by parties interested—evidence must be heard—after a long litigation the Master would make his report—that report would come under the consideration of his noble and learned Friend, before whom it might be again discussed, and an opposition sent back to the Master to review; and thus, after all this waste of time, after all this expensive litigation, his noble and learned Friend might at last be in a condition to make his order. Thus it was manifest, that for the mere purpose of appointing trustees much time would elapse and great expense would be incurred. Of that expense the greater part would necessarily come out of the charitable funds, many of which were so small (as every one who had read the report of the Commissioners must know) that the expenses of such controversies as he had described, would wholly exhaust them. If it were inconvenient, as suggested by the other House, that the present trustees should be continued for another year, how much more inconvenient was the alternative, namely, that the trusts should be administered by his noble and learned Friend, attended as that administration would be attended, by all the circumstances to which he had adverted? Dismissing this first question, he would trouble the House very shortly on the other point now under consideration. By the Municipal Corporation Bill the election of the mayor and aldermen was vested, in the first instance, in the council, and if the council should be equally divided in their choice, no proceeding or appointment could take place. The other House of Parliament did not object, in such a case, to the appointment of a presiding officer over the council. They did not object to that appointment being made by lot, but they said, that a person so elected ought not, in case of an equality of votes, on any question in the council, to have a casting vote. To contend for this objection was to argue for an anomaly upon the Municipal Corporation Bill itself, which actually gave a casting vote to the mayor—if no mayor, to the senior alderman—and if no alderman, to the presiding officer chosen by the council itself from its own body. He, therefore, must pause to inquire whether the amendments of this House were not in strict conformity with the principle of the Act of last Session—the principle being, that a person appointed in a manner to which the Commons did not object should have a casting vote. It was said, in opposition to their Lordships' amendment, that when parties were equally divided, by giving a casting vote to the chairman or presiding officer, he or one party would command the election or decision in the council. Why, the objection applied equally to every election in which, by the Municipal Corporation Act, a casting vote was given to the mayor. And what was the substitute proposed in lieu of the amendment made and sanctioned by this House? Why, it was proposed, where the council was divided, to vest the election of mayor and aldermen in the burgesses. Now, when the Municipal Corporation Act was under consideration last year, this House was of opinion that the election of those officers ought to be vested in the council; and having acted on that opinion, he did not suppose they would now depart from the principle they had sanctioned and adopted. He thought he had pointed out quite sufficient on this point to induce the House to think they ought to adhere to the spirit of the former Act, and give the casting vote as had been proposed. He believed that on all these grounds their Lordships would join him in thinking they ought to insist on the amendments sent up by them to the other House of Parliament. The noble and learned Lord concluded by moving that this House do insist on the amendments made by it in the Municipal Corporation Act Amendment Bill.

Viscount *Melbourne* said, that as he gathered from the report which had just now been made by the managers appointed to conduct the free conference on behalf of their Lordships, he understood that none of the arguments advanced by the noble and learned Lord were urged to the managers on behalf of the other House of Parliament. Now, considering that this had been a free conference—a conference in which the case of this House was to be sustained, he did not understand why the argument urged by the managers on behalf of the Commons had not been met by the managers for this House—he did not understand why the dignity of this House had been abandoned, its character lowered, and its interests deserted, by the arguments just uttered not having been urged in that place where they were naturally expected. In his opinion, the arguments stated by the noble and learned Lord were totally insufficient in order to maintain the course he advocated. The clause, in reference to the charitable trustees, was adopted in the Municipal Bill of last year on the eve of the termination of the session, on the understanding that it was to be thought a mere temporary arrangement until Parliament could legislate more fully and completely in the matter; and this House would please to bear in mind that since that period, a bill entirely providing for the whole matter—a bill making full and entire provision for those contingencies which it had been intended to meet, had been sent up from the other house, and that that bill, on its second reading, without a consideration of its provisions, without going into Committee, their Lordships had thought proper to reject. Such being the case, he must say that their Lordships were not in a condition to require the House of Commons to yield to them on this question. It seemed to him to be a most unfair proceeding towards the House of Commons. This House having in this Bill secured the continuance in office of the trustees for another year, had treated the measure of the Commons, which went to establish a final and permanent arrangement, with perfect contempt, and had accompanied its rejection by expressions towards the other House of a most insulting, exasperating and contumelious nature. [Lord *Lyndhurst*: where have those expressions been used ?] He contended, that every species of motive and intention had been attributed to the Commons—they had been charged with seeking to secure designs of their own, and to promote the interests of their own party, and he submitted that it was not fair or right to expect that the Commons would agree to continue the charitable trusts in the hands of those who now held them, after this House had itself rejected the means which had been provided by the Commons for supplying the deficiency. He wished to take this opportunity, on behalf of a noble and learned Friend of his, who had been absent from illness during the whole of the present Session, of setting right a misapprehension on this subject which had prevailed, and which had given his noble and learned Friend much uneasiness. His noble and learned Friend had desired him to state, that it was not on his (Lord Brougham's) motion that the clause in the Municipal Reform Act, intrusting for another year the existing trustees, was introduced, but, on the contrary it was introduced by another noble Lord, also not now in his place, (the Earl of Radnor) and had been assented to by the House. His noble and learned Friend begged him further to state, that not only did he undertake to introduce a Bill on the subject of Charitable Trusts, but that he did actually introduce a Bill for that purpose, and that it was only on being pressed by both sides of the House that he last year gave up the measure. His noble and learned Friend in addition stated, that his absence from his place this Session could not be a reason for not legislating on the subject, inasmuch as the House was in possession of his views on the matter. He therefore submitted to their Lordships, that the not legislating on it was not to be attributed either to neglect of duty on his part, or to the indisposition by which his nobleFriend's absence had been occasioned. The delay might be chargeable on the Government, or on the House generally, but certainly it was not chargeable upon his noble and learned Friend. The noble and learned Lord opposite had well stated the inconveniences which would arise from the situation in which matters will stand if this Bill, with its amendments, was not allowed to pass into a law; but the noble and learned Lord had been silent upon the inconveniences which would arise from the loss of other provisions of the Bill to which the amendments have no reference. He (Viscount Melbourne) would not trouble the House with a detail of them, for they were manifest to every noble Lord; but he would say, that these inconveniences, and that loss would lie, not at the door of the Government, not at the door of the House of Commons, but at their Lordships' door, who had refused the opportunity afforded them of legislating generally on the subject. Such was his opinion upon the first point raised by the noble and learned Lord opposite. With respect to the other point, he would say, that it was to give a man, chosen merely by lot, the power of carrying into effect, where there was an equality of feelings, a decision which ought to be that of the great body of the council. On these grounds, he should move, as an amendment, that the word "not" be inserted in the motion of the noble and learned Lord—in other words, that this House do not insist on their amendments in this Bill.

The Earl of *Ripon*, in consequence of what had fallen from his noble Friend who had just sat down, felt obliged to trespass on the attention of the House for a very few moments. His noble Friend had complained of the course pursued by the managers on behalf of their Lordships as having been derogatory to the dignity of the House.

Viscount *Melbourne:* I spoke of it as having lowered the character of the House.

The Earl of *Ripon:* His noble Friend had also said it was derogatory to its dignity. Now, having taken the duty of managing the conference on behalf of this House, he felt called upon to vindicate the managers from the reproach thus cast upon them by his noble Friend. He was convinced that reproach arose from his noble Friend not knowing the course which had been taken by the managers on behalf of the Commons—a course most certainly consistent with their rights and privileges, but one which made it impossible for their Lordships' managers to enter into any verbal discussion with a view to enforce the opinions to which the House had arrived. In point of fact, the representations made to the managers were not made *viva voce*, but were read from a written paper, which he really believed was verbally the same as that sent up on a former conference. It certainly appeared to him, that nothing was more natural and proper than that the managers on behalf of the Lords, not having been invited to enter into any discussion, should pursue the same course as that followed by the managers for the Commons, and to tender them in writing the reasons the Lords had to offer in support of the opinions they had formed. He apprehended, therefore, that they had not done anything that was at all derogatory to the character and dignity of this House. With respect to the clauses themselves, he trusted their Lordships would adhere to their original decision. The noble Viscount seemed to think that there was something very unreasonable in giving the casting vote to a person who was to be chosen by lot. For his own part, he could not see in what the unreasonableness consisted. By one clause of the Bill as it passed last Session, in the election of councillors, in case of an equality of votes the power was given to the mayor and assessors to decide who were elected into the council. But the next clause went still further; for with respect to the first election, it was provided that the mayor alone—independent of the assessors—the mayor of the old corporation, which it was the object of the Bill to destroy, should be the person who was to possess the casting vote. Upon what, then, could the noble Viscount found a charge of unreasonableness against the principle which was maintained in that amendment, to which the House of Commons had objected? With regard to the future, the present clause would in no way apply, for that was provided for by the Bill of last year. It was settled, that whenever a question came before the council, it was to be determined by a majority of votes; but if upon any subject there should be an equal division, the case was then to be submitted for decision to the mayor or to the senior alderman, or if he were not, then to any other of the aldermen, or if there should be none of them, then a commissioner, to be elected by the council, was to have the casting vote. The Bill, therefore, as passed last Session, did allow a casting vote. [Lord *Melbourne:* No election by lot.] He (the Earl of Ripon) admitted that the cases to which he had referred were not questions of lot; but the House of Commons had itself admitted the principle of proceeding by lot. It appeared to him, then, that the noble Viscount had stated no such strong objections against their amendment as would then induce the House to entertain an opinion of its unreasonableness; for who was the person after all that was to be elected by those to whom the election was intrusted? Was he a person wholly unconnected with the corporation? No such thing. He was a person whose character had been already before his fellow-citizens—whose conduct had been known by them, and in whom, so far as could be shown by their previous election of him, they had placed considerable confidence. Therefore he thought that the noble Viscount had pushed the argument to an extravagant length, because he had proceeded upon the assumption that the persons entitled to be elected might be totally unconnected with the particular corporation. With respect to the administration of the Charitable Trusts, the noble Viscount had complained that they had treated the House of Commons in a "contumelious"—he believed that was the word—and offensive manner; but that observation could at least have no reference to the Act of the House, whatever application it might have to the conduct of individual Members; but the House, at any rate was not responsible for anything which any individual might be supposed to have said or done upon the subject. When, however, the noble Viscount threw upon that House all the blame of any inconvenience or difficulty which might arise, he could not but think that that noble Lord forgot the circumstances under which the Corporations Act Amendment Bill came up to that House. Their Lordships would remember that it was early in the Session when the Bill was brought up. Upon the second reading various objections were stated to it; and it was agreed to, entirely, as he thought, with the consent of his Majesty's Government, that the Bill should be referred to a Select Committee, for the purpose of considering how those deficiencies might be removed, and the measure be made most applicable to the purposes for which it was framed; and he would confidently assert that there was nothing in the conduct of that Committee which showed any disposition to do that which was unfair or unreasonable. He might appeal to the recollection of the noble Lord as to two or three occasions, whether questions were not discussed in that Committee with a total absence of party feeling; it was impossible that there could have been a more fair investigation than that which there took place. It must also be remembered that at the time that they were called upon to consider the particular clause which was then the subject of discussion, no Bill had been introduced into either House of Parliament for the settlement of the general question. How could they possibly know that it was the intention of Government on the 7th of June—that Bill having been sent down in the month of May—to introduce on the 7th of June a measure upon that subject? At the time that they had to consider the question all they knew was that it was deemed expedient that there should be some general measure; but they had not the slightest hint given them as to the nature or the character of the provision intended. The Committee were aware of the expediency of some steps being taken in the matter. They saw no measure forthcoming; and therefore they did apply to the case the expedient of leaving it in its existing position until the 1st of August next year. Well, then, he did say upon that statement of the circumstances that they were not chargeable with any blame whatever. Undoubtedly if that line of argument was to prevail, and their Lordships were not to be permitted to exercise any judgment, they might just as well never debate at all. The Bill itself was most deficient in many of its provisions, and contained very dangerous clauses. Their Lordships had thought fit to defer the matter till another Session; and then, because, on the 4th of August, they found it impossible to deal in detail with a measure of great importance and delicacy, they were to be made answerable for all the difficulties and inconveniencies arising from such a delay. The cause of the difficulty, he maintained, was the time when the Bill was brought forward. He did not intend to attach blame to the noble Lord on the Woolsack for not having at an earlier period introduced the measure, which belonged to his proper functions—he did not blame the Government; but he had a right, which he was bound to exercise, to exculpate the Committee from all blame whatever as being the cause of any inconveniences which might arise in reference to that subject.

Lord *Holland* said, that he rose merely for the purpose of saying a few words upon the criticisms which his noble Friend opposite seemed to feel so severely. A man most remarkable for his talents, Mr. Oliver Goldsmith, said,—"With respect to arguments, I always find myself to have the advantage of my antagonist when I am alone; but when I come into the presence of my adversary that fancied advantage is quickly gone." Now, noble Lords opposite seemed to be acting in the spirit of that observation, for the noble and learned Lord (Lyndhurst) had made a speech to their Lordships that night of considerable power, and which appeared to produce a great effect upon the House, conveying the reasons for insisting upon the amendments of that House, but which reasons he had not delivered in the free conference. Now, what was the meaning of a free conference? Their Lordships well knew that upon differences existing between the two Houses, conferences took place, and the reasons of each House were tendered in writing; but, by the interchange of these reasons, neither party having been convinced, the next step according to the rules of Parliament, was the holding of a free conference. But he would ask, where was the reason in such a course of proceeding as had been adopted upon this occasion? If Members of that House were sent to a free conference, and did not debate at all—he would not go to the extent of saying that such a course would lower the dignity of the House, but it at least led clearly to an inference that the reasons alleged by the other House were so convincing that they did not know how to answer them. Their Lordships had sent their managers, not merely for the purpose of insisting upon their amendments, but of battling and debating the question on behalf of the House; and why, he would ask, did the House select the noble Baron opposite? Because it thought he would be an able advocate of the opinion which the House had previously adopted—because it thought he would be able—and sufficient proof of his ability, the noble Lord had since afforded that night—to use convincing and eloquent arguments in favour of the view which the House had adopted. But it now appeared, when the question came to be urged with their adversaries, the manager had advanced no reasons whatever; but they waited till they came home—he would not use a more invidious expression, which might be misconstrued—till they came home to their own House, and then, in their own House even boasted of the reasons upon which they recommended their Lordships to adhere to their amendments. He certainly must confess that he was surprised that the counsel whom they had employed, having abandoned their case, should have come to their Lordships, and again press those arguments which they were afraid of maintaining before their antagonists. He thought the amendments originally wrong. If they adopted those amendments, they would entail upon the poor people the kind of catastrophe which the noble Lord had described, and the rejection of the Bill would produce nearly the same effect. The House of Commons had told them what they required. They said in all propriety and courtesy, "You insist upon your amendments; we dissent from them; but be so good as to tell us your reasons." The matter however, had, all been dumb show. ["They did not ask," from Lord *Lyndhurst.*] I deny it, said the noble Lord, they did; for the noble and learned Lord could know little of Parliamentary language if he was not aware that they did ask for reasons by demanding a free conference. If it did not mean that, it meant nothing. He denied that the managers for the Commons had tendered their reasons in writing; they had read their speech which was, of course, previously prepared. He supposed the noble and learned Lord had done the same—had read his speech. [Lord *Lyndhurst:* No! I spoke it.] Then he could only say, that since the Revolution, during which ten or twelve free conferences had taken place, it would be impossible to find a single one at which such a course of proceeding as the present had been adopted. In some instances there had been long debates; in all some reasons had been stated. It had been said, that this proceeding was calculated to lower the dignity of that House; but he would venture to say that it was lowering and degrading to Parliament itself, if they considered the nature and character of those conferences. A free conference was the last resort—it was that stage of the transaction at which they were driven to their reasons. What else could it mean? Was it, then, to be left to the judgment of the Members appointed upon that conference to come back to the House and say, "We have heard the reasons of the Commons; but we have also arguments of our own; we have not addressed one of them to the jury; but we are all against the verdict." Was it to be permitted to the counsel to come back to his client and say, "I advise you strongly to persist, though I have not one single word to say for you?"

The Duke of *Wellington* observed, that after what had been stated by his noble Friend, he was surprised that the noble Baron should have expected that a debate should take place on the subject between the managers of the two Houses. The fact was, there was no room for a debate, and he was particularly surprised that the noble Viscount, and the noble Baron, should both have found fault with the managers for not debating the question, after the reasons they had heard so eloquently stated by his noble and learned Friend, although they had disapproved of every one of those reasons. But their Lordships would remember that the reasons which the managers had to deliver, were the reasons of the House, and not their own, and yet the two noble Lords came down here and disapproved of the conduct of his noble Friend, in not entering into a debate of the question. But this was not the only remarkable circumstance in the conduct of those two noble Lords. It appeared that they not only disapproved of the conduct of the managers of the free conference, but of the conduct of the House itself, on those two very questions, which were now under their Lordships' consideration. Now it so happened, that he had been in attendance on the Committee up stairs, to whom this very Bill was referred, and he had the happiness to be associated both with the noble Viscount, and the noble Baron in that committee. He would not impeach the accuracy of the noble Viscount's own statement of his belief, but he would remind him that these two very questions passed unanimously in the Committee up stairs, and through the House, as well as the committee, with the same unanimity. He was himself the person who moved that very clause respecting the existing vote, and not one word was said against that motion by any single member of that committee. The noble and learned Lord on the Woolsack himself, corrected some verbal mistake in that very clause. The report of that Committee passed the Committee unanimously; it was brought down to the House, and both the report and the third reading of the Bill, were agreed to without an expression of dissent. He did not mean to say, that he entertained no feeling of objection to some of the proceedings in that Committee. He certainly had felt such objections, and there were many of his noble Friends in that House, who felt the strongest objections to parts of the measure. But at the same time, he, considering that he had come to a compromise, in agreeing to that Committee, thought himself bound to go on with that compromise, and to persevere to the last; and he called on their Lordships—he called on the noble Viscount—he called on the noble Baron, now to support the Bill, to which they agreed on that occasion, after a consideration of three months—a measure, too, which they thought the best that could be adopted for the public interests at that time. After the statement which had been made by his noble Friend to the House—a statement of which he defied the noble Viscount to contradict one word—he was surprised to hear the noble Viscount, and the noble Baron, disapprove of the conduct of his noble and learned Friend, and of the conduct of the House, in persevering in their amendments. The noble Viscount had been pleased to state, that since that time, their Lordships had treated the House of Commons with insult and contumely, because they did not agree to the Bill, which was sent up to the other House in the month of August, for regulating the management of charitable funds in corporate towns. Now, he was himself the person who moved, that the second reading of that Bill should be postponed to that day three months, and he made this motion upon these plain grounds—he recommended their Lordships to take that course, because one particular part of the Bill would subject the administration of those charities to this danger, that it tended to place them at the disposition, and under the government, of a party in the corporation, and the very appearance of election seemed to indicate that that plan was proposed with the intention of keeping those funds in the hands of that one party. Indeed, as the mayor was to preside over those who were to conduct these affairs, the management of them must have fallen into party hands. On that principle he objected to the arrangement proposed, but he offered no insult, he cast no contumely on the House of Commons for the course which they had thought proper to pursue. He stated his own opinion freely, as he had a right to do, on that measure, but it was far from his intention to say one word that could, by any possibility, be considered disrespectful to the other House of Parliament, and he was quite sure that he never could have said one syllable that could come within the meaning of the terms, "contumely and insult," which the noble Viscount had been pleased to use. The noble Viscount had blamed noble Lords on that (the opposition) side of the House, and had protested against the inconveniences that would result in the administration of charities, from their Lordships insisting on their amendments. All that their Lordships proposed by those amendments was, to continue in the hands of those persons, who now administered the Charitable Trusts in corporations, the same powers till the 1st of August next year. The noble Viscount said, that if their Lordships persisted in that amendment, the Bill would certainly be lost. But if the Bill were lost, that was not the fault of their Lordships. On the contrary, he would ask them, if they did not take the only course that could be adopted, by continuing the Trusts in the hands in which they were now placed till next year? If they withdrew that clause, the charities would be exposed to the ill effects of administration by a party; and if, on the other hand, the House of Commons insisted on their own amendments, and consequently in rejecting the Bill, the responsibility for the consequences ought not to attach to the Lords, but to the House of Commons. If indeed, they withdrew their amendments, and the charities should suffer from their doing so, then their Lordships would be responsible for the consequences that might ensue, and for the opposition which they had made to the Charitable Trustees Bill, in order to secure the reception, it would be said, of this very clause. This, then, was a course which he could not recommend their Lordships to pursue. With respect to appointing the Charitable Trustees, who administered the funds up to the 1st of August in this year, it was so clear that there was no other mode in which the matter could be arranged, except by a departure from the constitution of the corporation, that it was absolutely unnecessary to argue it.

Lord *Ellenborough* remarked, that after what had already been said by the noble Lords who had preceded him, he should detain their Lordships with a very few words. He rose chiefly for the purpose of observing on two points on which the noble Viscount had touched, of which one related to a matter with which their Lordships, in that discussion, had nothing whatever to do, and which the managers of the Commons very properly abstained from referring to, in the conference between the two Houses—he meant the rejection of the Charitable Trustees Bill by that House. Their Lordships had nothing to do, at present, with the conduct of the House in rejecting that Bill. They had to choose between placing the charitable trusts, until the commencement of the next Session of Parliament, under the control of the present trustees, by which both Houses of Parliament concurred in directing that they should be administered, and the control of the Lord Chancellor; and he thought that the noble and learned Lord behind him had fully satisfied their Lordships, that it would be much less inconvenient to allow those funds to continue under the management of the present trustees, than to leave them to the control of the Lord Chancellor. There was no noble Lord in that House who was more thoroughly acquainted with the practice of Parliament than the noble Baron (Holland) who sat on the other side, but he believed that there was no period to which any man, who was zealous for the honour of Parliament, could look back with less pleasure, than to the period at which these discussions between the managers of the two Houses had taken place. He was satisfied that if they looked back, they would find nothing that was less creditable to both Houses than what had passed at the free conferences to which the noble Baron had referred. Nearly 100 years had elapsed since the last free conference was held; and he thought that the managers of the House of Commons must have felt—he was sure that such a feeling existed on the part of those whom their Lordships had appointed to manage the conference on their behalf—that after such an intermission of such a mode of communication between the two Houses, they had not merely to consider what precedents they were to follow, but what precedents they were to establish. He thought that both the managers of the House of Commons, and of the House of Lords, were entitled to this commendation, that if they had departed from the more ancient and established precedents on this occasion, they had done so only after the recommencement of a method of communication which, in the judgment of their predecessors, had tended to impede the public business, and had anything but forwarded the public advantage. The managers of the Lords had adopted the course which they thought was the most respectful to the House of Commons, and having communicated to the managers of the Commons the substance of the reasons which the managers were guided by, in insisting upon the amendments of their Lordships, they thought it proper that those reasons should be communicated to the House *in extenso:* and then, if their Lordships still adhered to their amendments, those reasons might be communicated in the same manner, and at the same length, to the Commons in another conference. In that case, the course would be to request a further conference with the Commons, at which these reasons might be communicated. If, then, their Lordships agreed to the motion of his noble and learned Friend, the next motion that would be necessary would be, to desire a further free conference, at which the reasons of their Lordships for insisting on their own amendments would be explained by the managers.

Lord *Lyndhurst* said, that after the personal attack which the noble Viscount, in great anger, or at least apparently under its influence, had made against him, he felt he could not do otherwise than reply to the observations which the noble Viscount had thought proper to make upon the argument which, in all humility, he had felt it his duty to submit to their Lordships. The noble Viscount's conduct on this occasion, appeared to him the more extraordinary, since the arguments which he had used were employed in support of a measure to which the noble Viscount himself was a party. He (Lord Lyndhurst) was a member of the Committee to which the Bill was referred, and he was instrumental in naming the persons of whom it was composed. Every member of his Majesty's Government was a member of that Committee—the noble Baron (Holland), the noble Viscount (Melbourne), the noble Marquess (Lansdowne), and his noble and learned Friend on the Woolsack, were all members of it; and with respect to that very question which their Lordships were then considering, as to charitable trusts, there was not the slightest difference of opinion among the members of the Committee. The only thing which occasioned anything like a dispute in their discussions, related to the additional power that it was thought proper to give to those who exercised the corporate franchise. That was the only point on which a difference of opinion arose; and though that discussion was conducted on the most amicable footing, it occupied three or four days, but ended, he was happy to say, to the entire satisfaction of every member of the Committee. Then, what grounds were there for the attack which the noble Viscount had made, alleging that the object of this amendment was the encouragement of a party? Then the noble Viscount told their Lordships something about the Bill respecting the administration of charitable trusts, proposed by his noble and learned Friend, who had been obliged to absent himself from the House that Session. That Bill was indeed introduced by his noble and learned Friend, and it was read a first and second time, and ordered to be printed, but it was never subjected to a discussion, and it was admitted, considering how little was known of the provisions of the Bill, that it had better stand over till the present Session of Parliament. The noble Viscount seemed to think that he (Lord Lyndhurst) was to blame for not carrying this measure of his noble and learned Friend's into effect; but this was a measure which was not introduced at his instance, and surely it was the duty of the Government, if it was incumbent upon any one, certainly it was not the duty of any individual on that side of the House, to take up a measure which was propounded to Parliament in the last Session. He hoped their Lordships would be of opinion, that he was not to blame for not taking up this Bill, and leaving the noble Viscount to bring it in. With respect to the Bill now under consideration, these amendments were adopted long before the other Bill came up from the other House of Parliament, and it was considered of the utmost importance, that the present trustees should be continued in office for a limited period, in the event of no bill being sent up for the regulation of these matters. It was considered as a measure of precaution. Afterwards, it was true, another bill came up, having as its professed object the regulation of these funds; but it did not follow as a matter of course, that their Lordships were under the necessity of adopting it. The noble Viscount had stated, that in the discussion which this measure received, he had used language insulting to the character and derogatory to the dignity of the other House of Parliament. If he had done so, it was the duty of the noble Viscount to call the attention of their Lordships to it at the time. He was not aware, that he had ever spoken of the House of Commons in any terms but of the highest respect. But was it not competent for him to express his opinion upon a Bill which had received their sanction? The noble Marquess (Lansdowne) had made an active assault upon him on that occasion; but the noble Marquess dealt with his arguments, and did not accuse him of treating the House of Commons with disrespect. He wished to know what was the foundation for the charge which the noble Viscount had preferred against him; and he now gave him the opportunity of naming the expressions he had used, tending in the slightest degree to throw insult or contumely on the House of Commons. He had treated the subject as it ought to be treated; he looked upon the measure as a party measure, and he satisfied their Lordships, that he was right in entertaining that opinion. He argued the question on another principle also; he showed, that by the express terms of the grants a great proportion of the charitable trust funds were intended to be exclusively appropriated to members of the Established Church; and he contended that these funds ought not to be administered by Dissenters, which, if this Bill passed, in a great number of instances they would be, and therefore he objected to the principle of the Bill. The noble Viscount attempted to answer that argument. However, he left that for the noble Marquess to do. That Bill was, however, very properly rejected, and no other provision had been made for the regulation of charitable trusts than what had been introduced by their Lordships, and to which the noble Viscount was a party, but which he now came down to oppose. He asked their Lordships, therefore, whether the course they had pursued was not a straightforward and correct one; and he took the opportunity of asking the noble Viscount, if he would condescend to give him an answer, what were the expressions which he (Lord Lyndhurst) had used insulting and contumelious to the House of Commons?

Viscount *Melbourne* observed, that the noble and learned Lord had mistaken the effect of what he had said with respect to the Bill of his noble and learned Friend (Lord Brougham). He stated, that no argument ought to have been drawn by the noble and learned Lord from the absence of his noble and learned Friend, as a reason for not proceeding with the measure introduced by his noble and learned Friend, because the House was already in possession of the subject; and so far was he from charging the noble and learned Lord with a fault in not bringing forward the Bill, that he only mentioned the subject to vindicate his noble and learned Friend from any imputation of *lâches* or negligence, or from a suspicion that the measure was not proceeded with owing to his indisposition, as his noble and learned Friend was most anxious that he should not be represented to the country as in any way instrumental in delaying a measure of this kind. With respect to that part of the Bill that related to an equality in the town-council, and the appointment of a chairman by lot, he begged to say, that he most distinctly stated, that the Commons would not press their amendments on this point, provided their Lordships would give way on the question of charitable trustees. That he gave them most clearly to understand. That objection was considered of far less importance than the other, and if their Lordships would yield upon that, there would be little difficulty in accommodating the matter. The noble Duke had said, that he (Lord Melbourne) had agreed to the clauses now under discussion when the Bill was in Committee. He did so, but he distinctly stated at the time, that they were to be no bar to future legislation on the subject. He did not mean to say, that anything of unfairness had been exhibited in this particular; but if there were any political advantage to be gained by the funds remaining in the hands of the present trustees, the course to attain that object would be exactly that which was taken. They brought in a clause leaving the trust funds where they were; and, having done that, they threw out the Bill for the general regulation of corporate trust property. If he were to speak his own candid opinion, it was an act of political jockeyship. With regard to the remarks he had made upon the insult offered to the House of Commons, he was convinced of the accuracy of his observations from his general recollection of the tone and character of the debates that took place in their Lordships' House on that Bill. He did not know, that he could apply any particular expressions used by the noble and learned Lord, nor could he certainly at that moment state what he said; and if he were to attempt to quote from memory he might commit some error; but undoubtedly it was and still continued to be his impression, that during the whole course of these debates the greatest jealousy was expressed with respect to the House of Commons, and he remembered well it was distinctly stated, that there was a revolutionary party in that House who projected these and similar measures. He was stating what was in his recollection; if he were wrong, he should be very glad to hear noble Lords disavow those sentiments and those feelings. But he did not rely on particular expressions; he regarded the tone, the temper, the character, the colour of the debate. There was an observation made something like this—" Here you see the character of this scheme, and the temper in which it was framed." [Lord *Wharncliffe. Hear, hear.*] The noble Lord, avows it; I knew he would have the manliness to do so. I cannot say, that the noble Duke has used such language, but I cannot say the same for others. I repeat again that I entertained, and still entertain, that impression. I cannot, if I am called upon, state the precise words, but after all it is the import—it is the meaning—it is the *animus*—the spirit which dictates that sort of tone, and runs all through it that I looked to; and I say that jealousy and suspicion of the House of Commons, and of all popular feeling throughout the country, pervaded and characterised that debate. With respect to the question at present before the House, whatever may be the inconveniences which may ensue from the loss of the Bill in consequence of the charities coming under the supervision of the Court of Chancery, I believe that the House of Commons will not allow the present trustees to retain their power for six months, nor for six hours—no, nor for six minutes, and I believe they are in the right.

Lord *Abinger*: My Lords, I must deny the justice of the noble Viscount's impressions; but I ask your Lordships whether in reproving the members of this House, it becomes the leader of the House and a Minister of the Crown to do so in the manner and in the tone in which the noble Viscount has expressed himself. Does he suppose that because we have the misfortune not to agree with him, that we have no sensibility to the mode, manner, and language in which he habitually addresses the majority of this House? What does he mean by saying that we repudiate every thing popular in feeling throughout the country? I beg leave to protest against the truth of that supposition; for my own part, I deny the charge altogether. I do not believe that any other noble Lord is liable to such an imputation, and if I did not think that the noble Viscount sincerely believed what he said, I should look upon his observations as nothing more than a rhetorical artifice.

Lord *Wharncliffe* admitted, that he had used language not much unlike what the noble Viscount had supposed, but was he to be told that he must shut his eyes and ears, and believe that there were not any persons in the House of Commons who were decrying their Lordships' House, and decrying the situation which their Lordships filled in the constitution? He must be blind and deaf, indeed, if he did not perceive that there were many persons in the House of Commons who entertained these views and expressed these sentiments. He believed, and he was quite ready to admit that it was his opinion, that cases did arise in which measures were brought forward for party purposes, and he must say that a large party in the other House of Parliament had in the instance of a great number of other Bills made an attempt to place their Lordships in an inconvenient and embarrassing position, by sending them up for their concurrence, though they well knew that they would not be carried.

The *Lord Chancellor* would not have said one word upon this question, had it not been for what had fallen from the noble Duke and the noble and learned Lord, in adverting to the assent which the Government had given to the clauses now under consideration when the Bill was discussed in Committee up stairs. It was perfectly true that no opposition was then offered to them; but the argument was accompanied by a distinct representation that they were not to interfere with any future legislation. On this understanding, he had consented to the clauses. But he never supposed that when the Charitable Trustees Bill came up from the other House their Lordships would have refused even to look at the measure, for he did say that they might at least have entertained the principle of the Bill, and dealt with the details in Committee.

Lord *Lyndhurst* observed, referring to what had been said by his noble and learned Friend on the Woolsack, that if this measure had not been passed by their Lordships, he never would have assented to the Bill sent up by the other House of Parliament.

The House divided on the question, that their Lordships do persist in their amendments—Contents 40; Not Contents 29: Majority 11.

List of the Not Contents.

Lord Chancellor
DUKES.
Argyll
Leinster
MARQUESSES.
Queensberry
Headfort
Lansdowne
EARLS.
Scarborough
Albemarle
Minto
Sefton
Leitrim
Thanet
Ilchester.
VISCOUNTS.
Melbourne
Duncannon
Falkland
LORDS.
Templemore
Foley
Strafford
Holland
Ducie
Mostyn
Saye and Sele
Hatherton
Glenelg
Gardner
Langdale
Byron
BISHOP.
Bristol.

Resolution ordered to be communicated at another free conference, and message to be sent requesting such conference.

Conference agreed to.

Second Free Conference.] Lord *Holland* said, as the noble Baron opposite had moved for a new free Conference, he wished to know from him whether he intended to offer to the Commons any fresh reasons or adopt any new mode of proceeding?

Lord *Ellenborough* considered, that the noble Baron opposite was not justified in putting to him, an individual, a question as to what the opinions of the whole body of the managers might be, or what they might think it expedient to do.

Lord *Holland* said, the noble Baron was right in one part of his observations, but as he had been heard to express what was understood to be the sentiments of the managers, it was thought he might be expected to state now what they, including the noble Baron himself, thought on the subject, or intended to do.

Lord *Ellenborough* replied, that when he spoke in that House he merely expressed his own individual sentiments. When he acted as a manager his duty was, to be guided by the instructions of the House.

The Managers for the Lords, who were the same as before, left the House to confer with the Commons.

The Managers of the Conference, on the part of their Lordships, having returned, after an absence of two hours,

The Earl of *Ripon* said, he had to read to their Lordship's House the Report of the Managers appointed on behalf of their Lordships to conduct the free Conference with the Managers on the part of the House of Commons, which was conducted by Lord John Russell and others, Members of the other House. The noble Earl read as follows:—

"The Managers of the House of Lords stated to the Managers for the Commons that the Lords were determined to adhere to the Amendments made in pr. 5, l. 25 of the Act, because the Municipal Corporations Act not having provided that a fresh election should take place, in the event of an equality of votes, the Lords considered it would be more in accordance with the principle of that Act to meet the difficulty which might arise from the cause in the manner in which it was proposed to be met by your Lordships, namely, by giving a casting vote to the person presiding at the election. That the Lords likewise adhere to the insertion of Clause (L), because they are of opinion that the inconvenience which would arise from placing the charitable trusts under the management of the Lord Chancellor would be much greater than might arise by allowing them to remain until the next Session, or until Parliament should otherwise provide, in the hands of those persons, in whom both Houses of Parliament concurred in continuing them by the Act of last year. The Lords observed, that it does not appear that any practical injury had arisen from allowing those trusts to remain under the management of those under whose direction both Houses of Parliament concurred in placing them last Session. The Lords were, nevertheless, anxiously desirous that the management of these charitable funds should be placed on a permanent and satisfactory footing; whereby the administration of these trusts, which were intended for the benefit of the poor, might, as far as possible be divested of all party interest. The Managers for the Commons stated, that they were not instructed to yield with respect to the two clauses in question. With respect to the first, that which relates to giving the casting vote to a person chosen by lot, they considered it inconsistent with the spirit of the Act, but they were willing to have that point referred to the present House of Commons. With respect to the provision in Clause (L), by which the charitable trustees were to be continued in power, they hoped that it would not be considered necessary to introduce into this Bill this provision, as the conduct of those persons was unsatisfactory to their constituents; and they could not consent to have the power vested in the present trustees continued in them on any terms. That the provisions made last year showed that Parliament was not of opinion that any serious inconvenience would arise from having the power over these trusts placed in the hands of the Lord Chancellor. That the Commons were apprehensive that, if they conceded this point now, they might be asked on similar grounds to acquiesce in placing the trusts in the hands of those to whom they were now confided at a future period. The Commons thought that the Bill was a valuable Bill, and that the Lords should recollect, that all that was valuable in its provisions would be lost by your Lordships' adherence to the amendments which they had made in it. Your Managers replied, that your Lordships were always desirous of maintaining a good understanding with the House of Commons, and were willing to defer to their opinion on any point which could be conceded consistently with your view of the public interest. Your Managers then detailed the manifold mischiefs which must arise from placing the control over the administration of those trusts in the Lord Chancellor: that it had not come to your knowledge that any abuses had taken place since the Act of last year in the management of these trusts, nor was it at all probable that persons so observed, as those who had had the management of these funds have been, would venture to abuse or betray the trust reposed in them. The Managers for your Lordships suggested that still it was competent for the House of Commons to introduce clauses for the auditing and superintending of these trusts; and, finally, they, the Managers of the Lords, having enlarged upon the reasons already detailed, and no agreement having been come to, left the Bill with the Managers of the Commons."

Viscount *Melbourne* said, it appeared to him that this was a very odd way of proceeding. From the report just read of the Managers who had conducted the Conference, and from the period of time they had been absent, it was evident that a considerable length of debate had taken place on this subject. When they first met, their hands were free, and yet it appeared that they had not entered into any debate or urged any argument whatever in support of their amendments, although the whole matter was then open; but now, after having come to a vote on the subject—after the whole matter had been decided—after the House had determined to insist upon their Amendments, and with their hands thus tied, the Managers, it appeared, had entered into a very long course of argument and debate, and had had a complete discussion of the whole subject. Now, he thought it would have been more consonant with their duty, as well as with reason, to have entered into those arguments at the first Conference, while the matter was yet open, than when it had been concluded by a vote of that House. It appeared to him to be a very strange mode of conducting a conference between the two Houses, and not at all consistent with the practice of former times.

Lord *Wharncliffe* was understood to observe, that in the first Conference the Commons did not enter into any debate, and the Lords had merely followed their example, and that in the second Conference the Commons had originated the debate which had taken place.

The Duke of *Wellington* said, that they had now recommenced a practice after a lapse of nearly 100 years. The discussion, however, which the doing so had given rise to did not appear to have been a very advantageous one, though certain it was it had been a very long one. To him it did not appear to have produced a very good effect. The noble Viscount opposite had expressed his disapprobation of it, and in reference to which he (the Duke of Wellington) had only to say, that he hoped the noble Viscount would be so kind as to exercise that influence which he undoubtedly possessed over his colleagues in another place to induce them not to propose to their Lordships' House the adoption of any such proceeding in future.

HOUSE OF COMMONS,

Thursday, August 11, 1836.

Minutes.] Bills. Read a third time:—Exchequer Offices (Ireland); Slave Owners Compensation; Stamp Duty on Newspapers.—Read a second time:—Poor Law Loans; Municipal Elections; St. Clement, Oxford; Marriages Validity.—Read a first time:—Consolidated Fund; Exchequer Bills.

Petitions presented. By Mr. Hall, from natives of Wales in and near London, that the Clause of the Established Church Bill, requiring the appointment of Bishops conversant with the Welsh Language to preside over Welsh Sees, may be restored in its original form.—By Mr. Thomas Attwood and Mr. Bernal, from Members of Benefit Societies in the Metropolis and Rochester, for the Amendment of Friendly Societies Act.—By Mr. Thomas Attwood, from the Birmingham Philosophical Institution, to be allowed to partake with other Institutions in the disposition of the Duplicate Books, and from various places for Repeal of Poor Law Amendment Act.—By the Attorney-General (Edinburgh), against the Copyright Bill; and from the Convention of the Royal Burghs (Scotland), against the Abolition of Royal Burghs (Scotland); and complaining of the burthen of maintaining Prisoners after conviction; and from Birmingham, for Repeal of Duty on Newspaper Stamps.

NEWSPAPER STAMPS BILL.] On the motion of the Chancellor of the Exchequer, the Stamp Duties on Newspapers Bill passed through all the stages subsequent to the first reading, and was ordered to be sent up to the Lords.

REGISTRATION OF BIRTHS.] Lord *John Russell* moved the Order of the Day for the consideration of the Lords' amendments to this Bill, and said, that he certainly was of opinion that, generally speaking, the amendments made by the Lords, both in this Bill and in the Marriages Bill, should be agreed to. These two Bills would effect a great change, and, in his opinion, a great improvement. By means of the first, a civil registration was secured; and, by means of the second Bill, parties would be enabled to have their marriages celebrated in conformity with their conscientious principles. Now, these two important principles were preserved in the bills as they came down from the Lords; and such being the case, he thought it far better that they should not enter into a dispute with the Lords as to the amendments they had made in other parts of these Bills. If he were simply to go upon his own opinion, he would say, that he disagreed from those amendments; but as the two great and important principles to which he referred were still preserved, and as, what was more than he had expected, the Lords had assented to those principles, he thought it would be far better for them to endeavour to establish them as far as they could, by agreeing to the Bills in their present shape, and leave it then to experience to determine whether, in their practical working, these measures were calculated to carry those principles fairly into effect. His own opinion was that these Bills, as they had been sent up by the Commons, were better calculated to carry into effect the objects they had in view, than in their present altered shape, as they had been returned to them from the Lords, but for the reasons he had already stated, he thought it better not to dissent from those amendments. As, therefore, he should not move the House to dissent from those amendments, he would not now go into the objections he entertained to them. There were some verbal amendments which he should have to move, in order to carry into effect the amendments introduced by the Lords.

Mr. *Hume* said, he perceived, that the Lords had made one amendment in the Bill, taking the appointment of the registrars from the Registrar-General, subject to the approval of the Secretary of State for the Home Department, and had vested it in an ever-changing and most unfit body for the purpose—the guardians of the poor. Such an alteration would open the door to great abuse and irregularity; and, he trusted that the noble Lord would not object to restore the original provision on that subject to the Bill.

Mr. *Wilks* expressed his great satisfaction with the measure. He might refer with pride to the fact, that it was with him the appointment of the Select Committee on the subject had originated in 1833. The measure would be a great national improvement, and he would not give any factious opposition to the amendments made in it. The Member for Middlesex was quite mistaken in what he had stated. By the Bill as it went to the Lords, the appointment of registrars was given to the guardians of the poor, and the Lords had only introduced what appeared to him an excellent amendment as to the qualification of the persons to be chosen registrars.

Mr. *Hume* felt, that it was useless for him to press his objection, but he did his duty in protesting against taking the power in these cases from the Secretary of State for the Home Department.

The amendments of the Lords were agreed to, with verbal amendments.

MARRIAGES.] Lord *John Russell* moved the Order of the Day for taking into consideration the Lords' amendments to the Marriages Bill. The noble Lord observed, that there were several of these amendments to which he had very strong objections, as they certainly did not tend to carry the original intentions of the measure into effect on some important points; but, considering that it was of great importance to get an admission of the general principle of the Bill on the Statute-book, he was disposed to take the Bill even in its present defective state. It would be necessary, on a future occasion, to propose further measures to carry the whole of the original plan into effect.

At present, he was disposed to take the Bill as it was, and he would not, therefore, object to the Lords' amendments. He moved, that they be agreed to.

Mr. *Wilks* said, that some of those amendments would create difficulties which ought not to be thrown in the way of those whom it was the object of the Bill to relieve—for instance, the substitution of the superintendent registrar; for the registrar would oblige parties, in many cases, to go a distance of fifteen miles to give the necessary notices. He also objected to the production of those notices weekly before the Board of Guardians. After every pauper case had been gone through—after the last relief was doled out to the last pauper on the list, then the time of the guardians was to be taken up by the reading of those notices. But if this form was considered necessary, what, let him ask, was to be done where there were no unions and no Board of Guardians? In that case, this part of the Bill would be inoperative in two-thirds of the United Kingdom.

Dr. *Lushington* said, that the alterations made by the Lords would be productive of great mischief to the Bill itself, and great inconvenience to the country. However, the House of Commons would not be responsible for those changes. One great object of the Bill was, the prevention of clandestine marriages; but would the Bill have that effect? He thought, that so far from it, it would tend to facilitate them. There were at present two sorts of marriages—by bans and by licence, and now there was by this Bill, the marriage by notice to the registrar. The effect of this would be, that those who before had only one door open to clandestine marriages had now two. Those who made this charge would find in time, that they had inflicted a severe blow on themselves and their children, which they would have occasion to regret. However, though he differed much from the amendments of the Lords, he was disposed to take the Bill even as it was, for the reasons stated by his noble Friend (Lord John Russell), because it got the recognition of a most important principle, and they might have opportunities of improving the measure hereafter. When Mr. Canning got a Bill which had been sent up to the Lords, and there greatly altered, he said, that though he considered the amendments most objectionable, he would take them, for, as he had got the House in a humour to agree to the principle, he hoped to be able, on another occasion, to get them to consent to carry that principle out to the extent which he first intended. One part of this Bill, as it now stood, was highly objectionable. It was to the reading weekly before the Board of Guardians the notices given to the registrar. If this were considered a necessary check and safeguard against clandestine marriages, what check would remain where no Board of Guardians existed? There would then be no check whatever. This was the advantage of the great aid which they had derived from the other House, which thus got rid of the very security, the want of which they had complained of. There was another discrepancy in the Bill as amended. In one part, the notice was to be dated from the time it was given, and in another it was to be from the time of its entry by the registrar. How were these to be reconciled? Another important change which had been made in the Bill was the substitution of an oath for a declaration. He had thought, that with the consent of the other House, they had adopted the principle of getting rid of oaths wherever they could be dispensed with. He thought, that the solemnity of an oath ought as much as possible to be confined to our courts of justice. In the present case, if a disposition to break the oath existed, it would not be observed more strictly than a declaration. However, he repeated, let the House take the Bill, imperfect as it was. Let it not be given to the country to say, that they had sat for so many months and done nothing. They had sent up some good and most useful measures to the other House. It was not their fault that they had not become the law of the land. The principal recognised in this Bill was an important one, and they ought not to risk its loss even for the imperfections which the Lords' amendments had introduced in it.

Mr. *Goulburn* thought the last reason offered by the hon. and learned Gentleman a very bad one for adopting the Bill, if, indeed, it deserved the strong censure he had bestowed upon it. He (Mr. Goulburn) had opposed the original Bill as sent up from this House, because it divested marriage of its religious character, and encouraged clandestine unions, and he could not say, that the amendments of the Lords had made him more willing to adopt it. In one respect, he thought the other House had improved the measure, for it gave every encouragement to members of the Church of England to continue to be married in the Church.

FREE CONFERENCE—MUNICIPAL CORPORATIONS' ACT AMENDMENT.] The discussion was here interrupted by messengers from the Lords, announcing their Lordships' assent to a Free Conference on the Municipal Corporation Act.

Conference held, and other business suspended till the result was reported.

Lord *John Russell* reported, that the managers had met the Lords at the Free Conference, which was managed on the part of the Lords by the Earl of Ripon; that they acquainted the Lords that the Commons agree to the amendment in press 4, line 28; that they insist upon their disagreement to the amendments in press 5, line 25, and in press 6, line 17, and upon their disagreement to clause (L); and that they agree to the amendment made by the Lords in the amendment made by the Commons to clause (Z). That the Commons greatly regret that they are unable to agree to all the amendments made by the Lords; that they insist on their disagreement to the amendments made by the Lords in press 5, line 25, and press 6, line 17, because it does not seem reasonable, when the means of popular election are at hand, to refer to chance the nomination not only of the mayor, but likewise, as a necessary consequence, of the body of aldermen, who will remain in office for the period of three and six years.

That the Commons insist on their disagreement to clause (L); that they consider that amendment of far greater importance than the former; that they fear that by giving any assent to it they might countenance the belief, that they were prepared to continue in the members of the late corporations a trust which, in too many instances, has been misused; that the inconvenience of leaving the direction of these charitable trusts to the Lord Chancellor might be obviated, in the opinion of the Commons, by expressly giving to the Lord Chancellor the nomination of trustees to be appointed under the Great Seal for a single year; that the Commons are unwilling to believe that the Lords attach so much importance to this clause as to consider its insertion in this Bill absolutely essential; that the Commons, therefore, hope that the Lords will recede from the amendments to which the House of Commons have disagreed. That, thereupon, the Earl of Ripon acquainted the managers that, as one who had been deputed by the Lords to meet the House of Commons in conference upon the present occasion, he begged, on their part, to assure the managers, on the part of the Commons, that they felt it to be their duty, and should discharge that duty most conformably to the wishes of the House of Lords, by giving most respectful attention to the suggestions and representations which had been made to them on the part of the House of Commons, feeling most anxious, whatever difference of opinion may exist upon occasions in which the two Houses may be called upon to meet together in free Conference, to do all in their power to promote the public interests and sound legislation by maintaining that harmony, good understanding, and mutual respect, which has always characterised the intercourse of the two Houses of Parliament. That, with these feelings, it would be their duty to represent to the House of Lords the statement which had been made to them, in order that they may receive from that House their final instructions as to the decision to which they will come. That, thereupon, the managers delivered the Bill and amendments to their Lordships.

Mr. *Hume* presumed that it was competent to any hon. Member, although not a manager, to make a few observations on what had taken place. He had always understood that, at a free Conference between the two Houses, the question in dispute was argued, so that, if possible, the differences of opinion between the two Houses might be reconciled. With that expectation he had attended this Conference, but found no difference between the proceedings and those of ordinary Conferences; except that at the latter a written paper was delivered by the managers of the House of Lords, instead of the parole communication which the noble Lord had just reported at the Bar. Of the two modes of proceeding he certainly thought the usual one the better; for in that there was an authentic instrument that might justly be made the subject of discussion. He certainly could not boast of any experience on the subject; but if this Free Conference had been conducted according to precedent, he thought it was very desirable to appoint a Committee, to consider by what means a better arrangement might be substituted. He regretted that what had occurred had not been productive of the beneficial results which he had expected from it; but the fact was that it was a mere farce.

Lord *John Russell* could not consent to the appointment of such a Committee as that proposed by his hon. Friend; because, if his hon. Friend would inspect the journals of the House, he would obtain as much information with respect to the nature of these conferences as could be obtained by the researches of any Committee. It was the practice in former days in free conferences for both the managers for the Commons and the managers for the Lords to express their opinions with reference to the matter in dispute. But at the same time it was always in the power of the managers for both Houses to break off the conference whenever they thought fit. For instance, at a free conference in April, 1740, after the managers for the House of Commons had stated their reasons, the managers for the House of Lords stated, that not having received instructions from the House, they could not take upon themselves to represent what the answer of the House would be. Now what had been done in 1740 was in effect what had been done that day. Aware of the circumstance, he (Lord J. Russell) had thought it better not to enter into the merits of the question in debate; for if he had done so, it would have been in the power of the managers of the House of Lords to avoid making any reply. It was always in their power to say, "We will acquaint the House of Lords with your reasons, and when we are further instructed, we will communicate our answer." He had acted according to precedent, and in such cases he considered it advisable always to conform to precedent.

Subject dropped.

MARRIAGES. — DEBATE RESUMED.] Mr. *Baines* observed, that the professed object of the House of Lords was to prevent clandestine marriages. Now, not only would those marriages not be prevented by the amendments which their Lordships had introduced into the Bill, but the means of effecting them would be afforded in two ways, instead of one.

Mr. *Hindley*, adverting to the recent conference, observed, that it was just as dumb as those conferences which were not termed free. The hon. Member proceeded to state his objections to the amendments made by the House of Lords in the Bill under consideration, and proposed that those amendments should be rejected.

The *Attorney-General* begged to make a few remarks in answer to those hon. Gentlemen who appeared to be disappointed at the course pursued with respect to the free conference. It was impossible to continue any negotiation with the House of Lords, as to the Bill, in question except by asking for a free conference. But the conference which had that evening taken place was not all. The play was not over; only the first act had been performed. There must be a second conference; unless (as he was not without hopes might be the case) the House of Lords should abandon the obnoxious clause, and pass the Bill without it. He repeated, however, that there might be a second conference, and that then the wishes of hon. Gentlemen might be gratified.

Mr. *Arthur Trevor* defended the amendments which had been made by the House of Lords in the Marriage Registration Bill. He conceived that the Bill, in its original shape, was one of the most deadly blows that had ever been aimed at the Established Church.

Mr. *Brotherton*, on the contrary, did not think that the Bill was at all calculated to injure the Established Church. In his opinion, it was merely a matter of money. Although the amendments were not such as he entirely approved of, still he would not oppose them.

Mr. *George Palmer* characterised the Bill as destructive of the peace and harmony of private families. He should think himself lost to all sense of his duty to his constituents, and to the public, if he did not do all he could to prevent it from being passed into a law. It would lead to infidelity; for what greater encouragement could be given to infidelity than to induce young people to show indifference towards religion.

Mr. *M. Philips* could not approve of the amendments introduced by the Lords; but at the same time, conceiving an important principle would be gained by the Bill, even as it then stood, he, for one, should not risk its loss by opposing the amendments.

Mr. *Borthwick* entertained the most insuperable objections to the Bill. Even in its amended form, he thought it would tend to promote illegal marriages, and therefore, with the view of defeating it altogether, he should move that the Lord's amendments be read a second time that day three months.

The House divided on the original motion:—Ayes 63; Noes 3: Majority 60.

List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Alston, R.
Bagshaw, J.
Bentinck, Lord W.
Bewes, T.
Blake, M. J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Callaghan, D.
Chalmers, P.
Chetwynd, Captain
Cockerell, Sir C.
Cowper, hon. W. F.
Crawford, W. S.
Dennistoun, A.
Donkin, Sir R.
Duncombe, T.
East, J. B.
Ewart, W.
Fitzroy, Lord C.
Gladstone, T.
Gordon, R.
Grote, G.
Hawes, B.
Hawkins, J. H.
Horsman, E.
Hume, J.
Humphery, J.
Lynch, A. H.
Mackinnon, W. A.
M'Leod, R.
Mangles, J.
Marjoribanks, S.
Morrison, J.
Murray, rt. hon. J. A.
O'Ferrall, R. M.
O'Loghlen, M.
Palmer, General
Palmerston, Viscount
Philips, M.
Potter, R.
Pusey, P.
Rice, rt. hon. T. S.
Rippon, C.
Robinson, G. R.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Smith, B.
Stuart, Lord D.
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Villiers, C. P.
Warburton, H.
Whalley, Sir S.
Wilks, J.
Young, G. F.

TELLERS.
Lushington, Dr.
Stanley, E. J.

List of the Noes.

Hindley, C.
Law, hon. C. E.
Palmer, G.

TELLERS.
Trevor, A.
Borthwick, P.

On the motion that the amendment to the 4th Clause be agreed to,

Mr. *Hindley* rose to enter his protest against it. If the members of the Established Church were allowed to marry after the publication of bans in their own churches, he did not see why the Dissenters should not also be allowed to marry after the same form had been observed in their own chapels. It was only common justice that the publication of bans should be allowed in Dissenting places of worship, as well as in the Church of England.

Lord *John Russell* confessed he was surprised at the objection now stated by the hon. Member, because in the former Bill which he (Lord J. Russell) introduced upon this subject he proposed to allow the publication of bans in Dissenting chapels; but this proposition no sooner became known than he received a communication from a Dissenting minister, declaring that the Dissenters would never consent to have their places of worship desecrated by the observance of so unholy a form.

Mr. Hindley withdrew his admendment, and the Lords' amendment was agreed to.

On the amendment to clause B being read,

Mr. *Wilks* declared, that if he stood alone he would divide against it. The clause, in its amended shape, required the superintendent of the district to send to the clerk of the Union the names of all persons, being Protestant Dissenters, who should notify that they had an intention of being married, that he should enter the same in a book kept for that purpose, and that the entry so made should be read over weekly for three successive meetings of the guardians of the poor. This was a degradation to which the Dissenters would never consent.

Lord *John Russell* stated, that the amendment had been made by the Lords because their Lordships thought the Bill, in its original shape, did not provide a sufficient publicity in the marriage of Dissenters. He certainly did not think the amendment necessary, but, at the same time, he could not regard it as imposing anything like a degradation upon Dissenters.

Mr. *Hume* hoped, that the hon. Member for Boston, seeing the position in which the measure then stood, would not press his objection to a division. There was no doubt but that the clause, as it then stood, would place the Dissenter in a degrading situation; but this was a fault which might afterwards be amended. He should be sorry to follow any course that might hazard the loss of the Bill, and for that reason, although he felt the full force of the objection taken by the hon. Member for Boston, he should not be disposed to divide with him.

Mr. *Brotherton* declared, that it would be regarded by the Dissenters as intolerable.

The House divided on the motion that the Lords amendment be agreed to;—Ayes 47; Noes 9: Majority 38.

List of the NOES.

Alston, R.
Baring, F. T.
Brotherton, J.
Brownrigg, S.
Butler, hon. P.
Duncombe, T.
Robinson, G. R.
Thompson, Col.
Trevor, hon. Arthur

TELLERS.

Mr. Hindley
Mr. Wilks

Clause, as amended, agreed to.

The other amendments agreed to.

ESTABLISHED CHURCH.] Lord *John Russell* moved, that the Lords' amendments in the Established Church Bill be now considered.

On the amendment of the clause requiring all clergymen appointed to benefices, and all persons appointed to Bishops' Sees, in Wales, to understand the Welsh language, by the striking out so much thereof, as related to Bishops, being read,

Mr. *Hall* said, although he was one of those who entertained the same opinion with regard to this Bill as had been expressed by his hon. Friend, the Member for Middlesex, yet, as it had already undergone considerable discussion, and had passed that House by a great majority, it would ill become him to take up the time of the House, or to trespass upon its attention more than was absolutely necessary upon the present occasion. But, connected as he was with the principality, and feeling a deep interest in everything that affected that part of the empire, he hoped he might be excused offering a few observations upon one of the amendments and stating the reasons why he could not concur in the alteration which had been made. It would be in the recollection of many hon. Members that, during the progress of this Bill through the Committee, the Member for Chester introduced a clause, which was carried by a considerable majority—not considerable when viewed numerically, but considerable in importance, inasmuch as the supporters of the humble Church of Wales triumphed, not only when opposed by his Majesty's Ministers, but also in opposition to the leading Members of the party who occupy the opposite benches. The clause, however, to which he alluded, contained two distinct propositions; the first was, that to every vacancy which might occur in any See in the Principality, the clergyman to be appointed, should understand the Welsh language, and the other was, that when any benefice became vacant, the person to be inducted should also be conversant with the language of that country. Now, as regards the latter proposition, he believed it remained just in the same state as when it was sent up from this House; but with regard to the former, he regretted to say it no longer existed. The argument adduced by the most rev. Prelate who moved the omission of the words which required Welsh Bishops to possess a knowledge of the Welsh language, was, that the duty of a Bishop was NOT to *act as the shepherd of the flock,* but as the superintendent of the Pastors. He (Mr. Hall) begged with all due submission to differ from that right rev. Prelate; and although he might, for the sake of argument, admit that a Bishop was not the *pastor populi* but the *pastor pastorum,* yet, in point of fact, if the Bishop did his duty, he must be frequently brought in contact with the flock over which he was called upon spiritually to preside. It was the duty of a Bishop to preach to the congregation, to perform the sacred administration of the Sacrament, and the solemn order of Confirmation, and yet the Archbishop of Canterbury says, it is not necessary that Welsh Bishops should understand the Welsh language. If that right rev. Prelate would look again into the Thirty-nine Articles, and read the twenty-fourth, which treats, "of speaking to the congregation in such a tongue as the people understandeth," he will find "that to have public prayer in the Church, or to minister the sacraments in a tongue not understanded of the people, is a thing plainly repugnant to the Word of God." But the Archbishop of the present day was only to be compared to his predecessors. He would read to the House part of a petition presented to the Pope by the Welsh Princes, in the reign of Henry the 3rd. The Princes set forth a statement of their grievances, and they commence in this way:—"And first, the Archbishop of Canterbury, as a matter of course, sends us English Bishops, ignorant of the language and manners of our land, who cannot preach the Word of God to the people, nor receive their confession but through interpreters; and whatever they can lay upon to get from us, whether by right or whether by wrong, they carry into England, and the lands which were bestowed on the Cathedrals in Wales, they sell, give away, and alienate." They were now living in 1836, and pursuing the same course as that pursued by the

Archbishop 600 years ago! But what he complained of most was the unbounded spirit of nepotism which seemed to take possession of some of these English Bishops the moment they took up this Episcopal power in the Principality. He was not one of those who would ever for the sake of argument hazard statements or make assertions which were not founded on facts, neither would he, in illustration of any argument, bring forward unnecessarily the names of any individuals; but, as what he was about to state was already published to the world, he would trouble the House by reading a few extracts from a very clever and interesting work, which had thrown great light on this spirit of nepotism. He found that in the Diocese of St. Asaph, a relation of the late Bishop held the following preferments. He was Dean and Chancellor of the Diocese, with the Deanery house, with about 40*l.* a year; Parish of Henllan, 1,500*l.*; St. Asaph, 426*l.*; Llan-Neoydd, 300*l.*; Llanvair, 220*l.*; Darowain, 120*l.*; Chancellorship from fees, 400*l.*, making 3,006*l.*; besides all this, he was lessee of Llandegle and Llanasaph, worth 680*l.*, and this all exclusive of the Rectory of Cradley, in the Diocese of Hereford, 1,200*l.*; Vicarage of Bromyard, 500*l.*; Prebend of Hereford, 50*l.*; portion of Bromyard, 50*l.* at present, but expectant at the death of an old life, that this preferment will be worth 1,400*l.* Thus he had no less than eleven sources of emolument, producing between six and seven thousand a year. It appears, also, that his brother had about 3,000*l.* a year, and the total enjoyed by relations of the late Bishop of the Diocese alone amounts to between seven and eight thousand. But it appeared by reference to the same work, that the amount enjoyed by the Bishop and the relations of the former Bishops alone amount to 23,679*l.*, and exceeds the whole amount enjoyed by all the other resident and native clergy put together. He would not weary the House by going more into detail, but he would merely state, that in the Diocese of Bangor great abuses appeared also to exist. So much for the acts of the Bishops, and now he would again return to the Archbishop, as head of the Church Commission; and he would advert to what was intended to be done with the revenues of the Welsh Church. Not content with taking one Bishop away, and leaving the Principality with only three, they take about an eighth of the whole income of the Church in North Wales for the purpose of founding a Bishoprick of Manchester, so that the property arising from the industry of the inhabitants of the barren mountains is alienated, in order to maintain a Bishop in one of the most wealthy towns and in the richest county of England, where he is not desired, and where the people present a formidable mass of Dissenters. If the Church Commissioners considered that three Bishops were sufficient for Wales, why did they not take the surplus and apply it to the enlargement of small livings? why did they not give the Welsh curate, who did the work, an honourable and sufficient maintenance? It was no uncommon thing in Wales for the Incumbent to leave his parish to the charge of some curate, who could preach and teach the doctrines of Scripture to the congregation in the language which they understood. The Welsh were a people strongly attached to their country, and some might say, that their attachment was so strong to their language, that they were superstitiously devoted to it,—could it be expected, then, that they would or could pay that respect to their Diocesan which the heads of their church might desire, unless he was able to address them in a tongue they had the power of understanding? In his own parish they had an Incumbent, who was in every respect an excellent man, but he lived at a distance, deriving a large income from the united parishes, whilst a curate performed the Welsh service, and although he did all the duty of two churches, he received only 100*l.* a year, out of which he had to pay 10*l.* for his residence, leaving a surplus of 90*l.* a year to maintain himself, his wife, and as large a flock of children as curates generally are blessed with; and such was frequently the miserable stipend of the Welsh curates, that he has many times seen them working in the fields, eking out a miserable pittance, and endeavouring to add to their means through the force of their own manual exertion. He had had the honour of presenting two petitions to the House that evening, one from certain natives of the Principality resident in London, who were Dissenters, and the other from members of the Established Church, residing in the metropolis; they expressed themselves grateful to that House for having passed a clause by which their fellow-countrymen might have the spiritual benefit of Welsh Bishops and Welsh clergymen; they stated their regret at learning that this wise provision was overthrown in another place, and they prayed, rather than have a continuation of English Bishops, that they might have no Bishops at all, and that the funds arising from the abolition of the Bishopricks might be given to the poorer clergy. This would shew how strong the feeling was, and it was one that was very general in the Principality. He entertained very strong opinions in opposition to this amendment of the Archbishops, and he considered it not a little invidious, that the Archbishop of Canterbury should allow that persons appointed to the benefices in the Principality ought to understand the Welsh language, whilst he advocated the omission of that part of it which laid the same obligation on the Bishops. He should, therefore, move, that the House do not agree to the Lords' amendment.

On a message being sent from the Lords, another free Conference was agreed to.

Free Conference — Municipal Corporations Act.] Lord John Russell moved, that the managers of the last Conference should be appointed managers of the present.

The clerk read over the names of the managers.

Mr. *Hume* asked who nominated the managers on the former conference?

The *Speaker:* the House.

Mr. *Hume* was present in the House when they were nominated, but believed that the nomination had been made by the Speaker. He, out of deference to the right hon. Gentleman, did not make any objection, although he certainly considered that the names which had been selected were not a fair specimen of the opinions entertained by hon. Members on his side of the House. If it was intended that the Bill should pass, with the amendments, then it might be all very well to appoint hon. Gentlemen entertaining the same opinions; but if the proceedings of the Conference were to be conducted fairly, having due regard to the differences of opinion prevailing among hon. Gentlemen on his side of the House, then he must say that the selection had not been properly made.

Mr. *Thomas Duncombe*: How many constitute the body of managers?

The *Speaker:* sixteen.

Mr. *T. Duncombe:* Then I beg to move that the hon. Member for Middlesex, be substituted for one of those hon. Members who have not answered to their names.

Agreed to.

Other Members were appointed, and the managers withdrew.

On returning, after an absence of about an hour and a quarter,

Lord *John Russell* reported, that the managers had met the Lords at the free Conference, which was managed on the part of the Lords, by the Earl of Ripon, who acquainted them that the Lords adhere to their amendment in press 5, line 25; because the Municipal Corporations Act, not having provided that a fresh election should take place in the event of an equality of votes, the Lords consider that it would be in accordance with the principle of that Act, which this Bill is intended to amend, to meet the difficulty arising from an equality of votes, in the manner in which it is met under the provisions of that Act, namely, by the casting vote of the person presiding at the election. That the Lords likewise adhere to the insertion of Clause (L); because they are of opinion that the inconvenience arising from the placing of the Charitable Trusts under the management of the Lord Chancellor would be much greater than that of allowing them to remain until the end of the next Session, or until Parliament shall otherwise provide, in the hands of the persons in whom both Houses of Parliament concurred, in continuing them by the Act of last year. That the Lords observe, that it has not appeared that any practical injury has arisen from the disposition with respect to these trusts, made with the concurrence of both Houses in the course of last Session, but the Lords are, nevertheless, anxiously desirous that the management of these charitable funds should be placed upon a permanent and satisfactory footing, whereby the administration of charities, intended for the benefit of the poor, might, as far as possible, be divested of all party influence. That, thereupon, a discussion arose between the managers, on the part of the Commons, and the managers on the part of the Lords [for the proceedings of which, see Lords' debates—this day]; and that the managers on the part of the Lords, thereupon deliver back the Bill, and amendments to the managers of the Commons. It being quite clear, therefore, the noble

Lord continued, that the two Houses can come to no agreement on these clauses, it is obvious that the best course for this House, is to postpone the further consideration of these amendments to this day three months. He moved, that the consideration of the amendments be postponed accordingly.

Amendment postponed.

Established Church.—Debate Resumed.] Lord *John Russell* said, that the question before the House was, that they should disagree with the Lords' amendment, and it should not be necessary for the Welsh Bishops to understand the Welsh language. He believed in the diocese of Llandaff, that language was not spoken to any great extent, and therefore it was unreasonable to make it a necessary qualification there; he thought also, that it would be an improper restriction on the prerogative of the Crown, to make such a rule as to the selection of Bishops, and in some cases, it would be found to operate in a most inconvenient manner.

Mr. *Aglionby* had not heard any reason to induce him to assent to the Lords' amendment, striking out the provision that the Welsh Bishops should understand the language of that country. As soon as the English became the vernacular language of Wales, then it would not be necessary that either the Bishops or Clergy should be acquainted with Welsh, but until that time, some restriction of the kind was necessary.

Mr. *Goulburn* believed, that the number of persons who were in other respects qualified to act as Bishops, who were well acquainted with the Welsh language, was very small, so that if this restriction was adopted, the choice would be very limited. He did not conceive that it was necessary that the Bishops should understand that language, although this might be the case with the great body of the Clergy in Wales, and there could be no doubt that all the Clergy understood the English language. If this rule were acted upon, they might get very incompetent persons appointed Bishops, and that merely because they spoke the Welsh language

Mr. *Hume* imputed the great preponderance of Dissenters in Wales, to the ignorance of the vernacular language of that country on the part of the clergy. In reply to the observation of the right hon. Gentleman, he would ask whether resident Bishops ought not to be required to be acquainted with the language of the country in which they were called upon to act? Was it not the duty of a Bishop to preach to the people of his diocese? He declared that a Welsh Bishop, who could not speak the Welsh language, was very incompetent to perform his public duties, for he should not only be able to preach in a language which could be understood by his auditory, but he should be able to hold communication with the inhabitants of his diocese. The truth was, that it was the Bill of the Bishops, and was not a measure of reform.

Mr. *George F. Young* observed, if the hon. Member for Middlesex regarded the Archbishop of Canterbury, as an anti-Reformer, because he supported the clause in the Bill as it stood, he should also view the noble Lord in the same light. The hon. Member might also call him an anti-Reformer. He was perfectly ready to be designated by that name by the hon. Member, for no doubt he was an anti-Reformer in the estimation of the hon. Gentleman; but he (Mr. G. F. Young) felt satisfied, that he was not regarded in that light, either by his constituents, or by the enlightened portion of the public.

Mr. *Ewart* said, he should support the amendment of his hon. Friend, for, in rejecting the amendment of the Lords, he considered he should be only maintaining the principle of common sense, that the superintendents of the Church should understand the language of the people over whom they were set.

An *hon. Member* said, he could assure the House that they were little aware of the prevalence of the Welsh language in the principality. He believed, four-fifths of the inhabitants spoke it: he should give his vote for the amendment of the hon. Gentleman, because he considered it of great importance that the dignitaries of the Church should be able to converse with and address those over whom they presided.

Mr. *Borthwick* said, he should support the amendment of the Lords on two grounds, first because he considered it was of great importance that the widest possible range should be allowed to those who had to select persons to fill the episcopal office. And, secondly, because although unquestionably he admitted it was desirable that the Bishop should know the language of those over whom he presides, he did not consider it the highest qualification. If you enact that no person shall fill a Welsh see who is not fully conversant with the Welsh language you necessarily greatly narrow the limits within which the choice must be made. Surely the hon. Member would not contend that the language was so difficult to acquire that any learned and rev. person nominated to a Welsh Bishoprick might not easily acquire a knowledge of it in the course of a few months after his appointment. The first qualifications of a Bishop were prudence, a deep knowledge of divinity, thorough acquaintance with theological and general literature, and unlimited knowledge of the constitution of his Church. That he should understand the language of the people over whom he has to preside, is a great and desirable qualification; but it is still of comparatively minor importance and in his (Mr. Borthwick's) opinion, might be safely left to his own conscience and sense of duty, if he really possessed the others. Therefore, though he did not agree with those hon. Members who contended that all the duties of a Bishop might be efficiently discharged without a knowledge of the language of those whose spiritual interest he has the care, and though he hoped and expected that Prelates appointed to Welsh sees would feel it their duty to acquire the Welsh language, he could not vote with the hon. Member for Monmouth (Mr. Hall) for making it a necessary preliminary to their selection.

Mr. *Mark Philips* said, that really many of the arguments of those who supported the amendment of the Lords appeared to him to go the length of proving that Bishops were not wanted at all. He would not then maintain that proposition (though it was well known he was a Dissenter) but he did say this, that the duties of a Bishop could not be efficiently discharged without a knowledge of the language of those over whom he presides, so as to be able to converse with and address them. What would be said of the noble Lord, the Secretary for Foreign Affairs, if he were to send out as envoys to Continental Courts, men who were altogether ignorant of the language spoken in those countries? Was there no similarity in the cases? Was it not inconsistent with the religious and moral interests of a community that their spiritual superiors should be unable to hold any communication with them? He certainly should vote for the proposition of his hon. Friend, the Member for Monmouth (Mr. Hall).

Mr. *Trevor* had supported the motion of the hon. Member for Chester (Mr. Jervis) for enacting that all clergymen appointed to livings in Wales should be fully conversant with the Welsh language; but he did not consider the same reason which held good in the case of clergymen held good in the case of a Bishop which would justify him in placing the same restriction upon the choice of persons who were to fill Welsh Sees. He did not consider it necessary to urge as a *sine qua non* for a Welsh Prelate, that he should be fully conversant with the Welsh language and he should, therefore, support the amendment of the Lords.

The House divided on the motion, that the Lords' amendment be agreed to:—Ayes 51; Noes 45: Majority 6.

List of the AYES.

Adam, Sir C.
Barclay, D.
Baring, F. T.
Borthwick, P.
Bowring, Dr.
Bramston, T. W.
Brownrigg, S.
Campbell, Sir J.
Chapman, A.
Chetwynd, Captain
Dalmeny, Lord
Donkin, Sir R.
East, J. B.
Elley, Sir J.
Etwall, R.
Fergusson, rt. hn. R. C.
Fleetwood, P. H.
Gladstone, Thomas
Gordon, Robert
Gordon, hon. W.
Goulburn, rt. hon. H.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Howick, Viscount
Labouchere, rt. hn. H.
Loch, J.
Lowther, J. H.
Lynch, A. H.
Marjoribanks, S.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Ferrall, R. M.
Palmer, G.
Parnell, rt. hn. Sir H.
Praed, W. M.
Price, G. S.
Pusey, P.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Seale, Colonel
Smith, R. V.
Steuart, Robert
Tancred, H. W.
Thompson, rt. hn. C. P.
Thompson, Col.
Townley, R. G.
Trevor, hon. A.
Vere, Sir C. B.
Wood, C.
Young, G. F.

TELLERS.

Maule, hon. F.
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Alsager, Captain
Bewes, T.
Biddulph, R.
Blamire, W.
Boldero, Henry G.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Butler, hon. Pierce
Chalmers, P.
Codrington, Admiral
Crawford, W. S.
Duncombe, T. S.
Elphinstone, H.
Harvey, D. W.
Hector, C. J.
Hindley, C.
Hoskins, K.

Hughes, W. H.
Hume, J.
Hutt, W.
Kemp, T. R.
Leader, J. T.
Lennard, T. B.
Lennox, Lord G.
Morrison, J.
Oswald, J.
Pelham, hon. C. A.
Philips, Mark
Potter, R.
Pryse, P.
Richards, R.
Rippon, Cuthbert
Robinson, G. R.
Ruthven, Edward
Thompson, Alderman
Thornley, T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Ward, Henry George
Wilks, John
Williams, Wm.

TELLERS.

Ewart, William
Hall, B.

Lord John Russell moved, that the Lords' amendment in Clause A be agreed to.

Mr. *Hume* hoped, that the noble Lord would not persist in continuing in the Bill the clause which had just been adopted by only a majority of six. He objected to the Bill altogether. It was a reflection on the Bishops that they appeared so anxious to get so much for themselves, and proposed to leave so little to the working clergy. The Bill had been brought from the other House, and if it had been a sound measure it would have encountered much more opposition than it did in its passage through that place. He thought that the House would only do justice if they postponed this Bill until they got some really good measures through the Lords. It must be evident, from what had taken place elsewhere, that they had little to expect from the other House in the shape of Reform. He hoped that the noble Lord would consent to postpone the further progress of the Bill until next Session, and he should propose an amendment to that effect. Anything that tended to reform abuses was sure to be rejected elsewhere, and the Commons were almost treated with indignity. He was not prepared to let Peers sit in that House while he and other Members had to stand if they wished to listen to the debates elsewhere. Even at the conference that had just been held they had been treated in a manner which he thought the House should not submit to. It was degrading to the Commons of England that the managers on their part had to stand uncovered, while the managers on the part of the Peers were seated and covered.

Mr. *Arthur Trevor* rose to order. The observations of the hon. Member had nothing to do with the provisions of the Established Church Bill.

Mr. *Hume* did not know what the hon. Member's opinion of order was, but if he had called the hon. Member to order whenever he (Mr. Hume) thought that hon. Gentleman spoke irrelevant to the subject matter of debate, he should have had a great deal more to do than would have been agreeable to him. He repeated, that the conduct pursued at the conference—

Mr. Arthur Trevor again rose to order, and appealed to the Chair.

The *Speaker* observed, that the hon. Member for Durham must be quite aware that it was extremely difficult to define on any occasion the exact limits within which an hon. Member must confine himself not to be out of order. At the same time, he must admit, that it did appear a little strange to urge as a reason for rejecting the Lords' amendments to this Bill that they had rejected the Commons' amendments to another Bill.

Lord *John Russell* reminded his hon. Friend that this Bill had been sent up from this House to the House of Lords, and they had added certain clauses to it which were now under discussion. The question then was as to how they should deal with these clauses?

Mr. *Hume* repeated, that the Members of the House of Commons who attended the conference had been obliged to stand, and had been driven into a corner like a parcel of sheep. He also wished to know why a Peer should sit with his hat on while a Member of that House was obliged to stand with his hat off, so that it was not possible for the Commons to do their duty.

The *Speaker* observed, that the question before the House was, whether the amendments made by the Lords in the Bill should be read a second time?

Mr. *Hume* said, that the right hon. Gentleman was perfectly correct, and so was he. His motion was, that the farther consideration of this amendment should be postponed until the next Session.

Lord *John Russell* thought the clause a very proper one. To agree to the proposition made by his hon. Friend, the Member for Middlesex would be, eventually, to reject the whole Bill.

Mr. *Robinson* opposed the motion, and added, that although he had a great respect for the hon. Member for Middlesex, no man wasted more of the time of the House than that hon. Gentleman. Government had a right, instead of being impeded, to all the facilities which could be afforded them in the completion of their measures.

Mr. *Ewart* held an opinion different from that of the hon. Member for Worcester. No man had done more good in that House than the hon. Member for Middlesex. There were some men who wasted a great deal of time in a little way. [*Hear, hear!*] He perceived by that ironical cheer, that the hon. Members opposite took that observation to themselves. He allowed that all due facilities should be afforded to his Majesty's Government; but, at the same time, the House ought to have a sufficient opportunity of deliberately considering every measure submitted to them.

Lord *John Russell* apprehended that, although the immediate effect of the motion of the hon. Member for Middlesex would be only to postpone the clause, yet it would place the House in the difficulty of being unable to pass the Bill until that postponed clause had been considered. He was willing, therefore, to take the division on his hon. Friend's motion as if it were a division on a motion for postponing the Bill altogether.

The House divided on the original motion:—Ayes 66; Noes 31: Majority 35.

List of the AYES.

Adam, Sir C.
Alsager, Captain
Barclay, D.
Baring, F. T.
Boldero, H. G.
Borthwick, P.
Bramston, T W.
Brownrigg, S.
Burrell, Sir C.
Campbell, Sir J.
Chapman, A.
Charlton, E. L.
Codrington, Admiral
Corbett, T. G.
Dalmeny, Lord
Donkin, Sir R.
East, J. B.
Elley, Sir J.
Etwall, R.
Fergusson, rt.hn. R.C.
Fleetwood, P. H.
Gladstone, T.
Gordon, R.
Gordon, hon. W.
Goulburn, rt. hn. H.
Hobhouse, right hon. Sir J.
Howard, P. H.
Howick, Viscount
Hoy, J. B.
Hughes, W. H.
Hutt, W.
Jackson, Sergeant
Labouchere, rt hon. H.
Lennox, Lord G.
Loch, J.
Lowther, J. H.
Morpeth, Viscount
Murray, rt. hon. J. A.
O'Ferrall, R. M.
Palmer, G.
Palmerston, Viscount
Parnell, rt. hn. Sir H.
Pelham, hon. C. A.
Perceval, Colonel
Praed, W. M.
Price, S. G.
Pusey, P.
Rice, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Russell, Lord J.
Sandon, Viscount
Seymour, Lord
Sibthorp, Colonel
Smith, R. V.
Stuart, R.
Tancred, H. W.
Thompson Alderman
Thompson, Colonel
Thomson, rt. hn. C. P.
Townley, R. G.
Twiss, H.
Vere, Sir C. B.
Wood, C.
Young, G. F.

TELLERS.

Bernal, R.
Lushington, Dr.

List of the NOES.

Aglionby, H. A.
Bowring, Dr.
Bridgeman, H.
Brotherton, J.
Browne, R. D.
Buckingham, J. S.
Butler, hon. P.
Callaghan, D.
Chalmers, P.
Crawford, W. S.
Duncombe, T. S.
Elphinstone, H.
Hall, B.
Hawes, B.
Hector, C. J.
Hindley, C.
Hoskins, K.
Kemp, T. R.
Leader, J. T.
Lennard, T. B.
Oswald, J.
Philips, M.
Potter, R.
Rippon, C.
Ruthven, E.
Trevor, hon. A.
Tulk, C. A.
Wakley, T.
Warburton, H.
Wilks, J.
Williams, W.

TELLERS.

Ewart, W.
Hume, J.

The remaining clauses were agreed to.

GREEK LOAN.] Viscount Palmerston moved the third reading of the Greek Loan Bill.

Mr. *Robinson:* I wish to make a few observations on the present occasion in justification of the course I have felt it my duty to take with regard to this Bill. My complaint of the noble Lord, the Secretary for Foreign Affairs, respecting the Greek Loan is, that he must have been, for the last twelve months, aware of the situation of Greece, and the diversity of opinion existing among the three great Powers who had taken that country under their protection; but for some reason or other, which the noble Lord has not explained, the House of Commons was not called upon to express an opinion upon this subject until nearly the close of the Session. I find by the papers which the noble Lord has laid upon the table of the House, that correspondence has taken place between the noble Lord and the Ambassadors of France and Russia, Lord Durham at Petersburgh, and Lord Grenville at Paris, for several months past. And I have a right to ask the noble Lord why, considering the importance of the subject, when the noble Lord thought it necessary to ask the sanction of Parliament for guaranteeing the third instalment of the Greek Loan, why the House of Commons was not called upon to decide upon this question at an earlier period of the Session? When the noble Lord brought the Bill first forward he produced no papers, but took the vote of the House upon his own statement; and it was not until he proposed going into Committee that we were put into possession of that last series of correspondence which is now before us. And only yesterday, certain papers connected with this subject, were put into the hands of Members, though the third reading of the Bill stood for yesterday, and would, undoubtedly, have been proposed had not a Committee of Supply occupied us until an unexpectedly late hour of the night. Without any undue asperity, I am bound to say, this is not treating the House of Commons with proper respect. When we reflect how important are the considerations involved in this question—that disunion between the three great Powers respecting Greece may lead to consequences that would prove fatal to the preservation of the tranquillity of that country, the House of Commons ought to have had full time to deliberate upon the whole subject, and to have considered all the information that could have been laid upon its table, to enable them to arrive at a just decision. When this Loan was first entered into it was consented to by this House, on the ground that Russia, France, and England, concurred in their views of the policy which ought to be pursued with respect to Greece, viz., the establishment of a separate independent kingdom in that country. To effect that object these three Powers agreed to guarantee a loan of 60,000,000 francs. Now it was one thing to concur with those two other Powers for the purpose of effecting that object: it is quite another thing as the noble Lord proposes, to endeavour to effect it without the concurrence of Russia and without (as I have been informed on good authority) any concurrence on the part of France—as to the noble Lord's present proposition, I maintain that this Bill is founded upon false pretensions. The preamble states, "Whereas doubts have arisen," whether Government has power to advance the third instalment of the Greek Loan; the noble Lord comes to Parliament and asks for that power, I maintain there is no doubt upon the subject. The noble Lord knows well that he has no power whatever to guarantee this money, the Act stipulates that the Loan shall be guaranteed by this country if with the consent of France and Russia. If either of these Powers refuse their consent the power of Government ceases; the noble Lord has admitted that in his correspondence, indeed what occasion could there be for applying to Parliament at all if the noble Lord possessed the power of guaranteeing this instalment without its consent? The noble Lord has assured us that he has every reason to believe, that France at least is disposed to enter into the views of the British Government with respect to Greece; undoubtedly it would remove much of the objection, which I entertain to this measure, to know that France was ready to guarantee her portion of this instalment, because it would prove she was ready to co-operate with this country in extricating Greece from her present condition; but I have looked all over the correspondence in vain to discover any signs of a disposition on the part of France to fulfil her engagement in that respect. We have only the noble Lord's assurance. I believe that in the present situation of Greece (which the noble Lord depicted in such favourable—nay, glowing colours—much more favourably I fear than the truth would bear him out in doing) the independence of that country is not likely to be finally established in the absence of that co-operation which Russia, in common with France and England, stipulated to advance. I am persuaded that the sum which he now asks the House to guarantee, will no sooner be raised than expended, and that, within twelve months, Greece will be in as bad (or worse) a situation as she now is. I understand the situation of Greece to be at this moment deplorable in the extreme, an insurrection is prevented only by the presence of the Bavarian troops, the whole country is over-run with banditti, who defy the Government to put them down. And is it in a country like this—Russia having declined to guarantee any further pecuniary assistance—without any co-operation on the part of France, that the British Government is called upon to guarantee a further sum, in addition to the large amounts she has already guaranteed, with no security for the re-payment, either of present or past advances? I deny that, as it was stated on a former occasion, if we do not guarantee this third instalment, Greece will again fall into the state in which she was when the three Powers undertook to guarantee her independence; I deny at least that such will be the necessary consequence of our refusal. But if this country guarantee the third instalment of this Loan (as I contend they ought) with the concurrence of, and in conjunction with Russia and France, these two Powers will have an interest in continuing those exertions for the maintenance of Grecian independence, which have been carried on since 1832. Can the noble Lord believe that the pecuniary assistance, which he now asks Parliament to afford to Greece, looking at her present condition, will be sufficient to meet all her exigencies? Four millions go to the expense of raising the Loan, an annual sum of nearly one million goes to the support of the widows of those who died in the struggles for liberty, so that in fact little will remain after adding the sum paid to Turkey as the price of Acarnania and Natolia. I ask the House to pause before they consent to separate ourselves from our great Allies in regard to Greece. What interest has this country in the establishment of King Otho's Government in Greece, which France and Russia does not share in common with us? I maintain, it will be difficult, if not impossible, to support the Bavarian rule in Greece, without the co-operation of Russia, and with no likelihood that France will lend us any efficient aid. Upon these grounds, I feel it my duty to move, that this Bill be read a third time this day nine months.

Lord *Palmerston* said, that having at length stated on former occasions the grounds on which he asked the House to agree to this measure, he should not at this late hour of the night (half past twelve) attempt to follow the hon. Member through the many topics he had dwelt upon in the course of his long speech. He certainly had hoped, that Russia would have concurred in the proposition, and would have paid her proportion; and he had not applied to Parliament for the discretionary power the Government now asked for, till it was ascertained that Russia would not fulfil the engagement. This was only known the other day; which would probably be a sufficient answer to the objection of the hon. Member for Worcester as to Ministers not bringing the question forward at an earlier period. The delay with regard to the papers, was accounted for by the same cause, which would also shew that Ministers had no disposition unnecessarily to pursue a course different from that of France and Russia. To demonstrate that they did not wish to urge the Bill precipitately forward; let hon. Members remember that on asking leave to bring it in, they pledged themselves to postpone any ultimate proceedings until the papers were in the possession of Members. The hon. Member for Worcester said, that he was as anxious as the Ministers to carry this honourable object into effect; but yet, with all his generous anxiety for Greece, he refused the means of serving it. How could he make the zeal of his profession agree with the coldness of his practice? The principal charge against the Ministers was, that they separated England from France and Russia. The hon. Member's fear was, that we should act alone. It would undoubtedly be highly desirable to act in conjunction with the two other Powers, but he was not so distrustful of the means of England—of her power and moral influence—as not to hope that even without other assistance she would be able to effect that for which the hon. Gentleman professed so earnest an anxiety. It seemed to be supposed that she ought to proceed by the way of conference, but the time for such a mode of proceeding had passed by. Greece was an independent nation, and henceforward England could only assist and protect her as an ally. The hon. Member asked, would the assistance now proposed be sufficient to rescue Greece from the dangers and difficulties which threatened her? To this he answered that if the present aid were refused, it would be certain ruin, though the grant of that aid might not prevent for her future embarrassments. She required all the instalments due, to enable her to provide for her internal arrangements; and what this Bill proposed to give would be sufficient to cover the expense of those steps which had been taken by the Government to check the inroads of the bandits in the north. Of course the fulfilment of the Treaty entered into by the Crown, must depend on the support of the Parliament; but he had little doubt that if England performed her part of the contract, the French Chambers would not refuse to ratify that part of it for which the French Government had become guarantee. But, suppose that the French Government refused to make good its guarantee, that would not remove our obligation to perform our part. The argument that if we assisted Greece now, she would again fall into similar embarrassments in future was untenable. Was a drowning man not to be helped, lest he might fall into the water again next year? The argument in both cases, would be equally conclusive. He thought the cheapest mode of sending the money would be to pay it in Paris out of the proceeds of the loan, rather than to send it to Athens—to have it sent back again to Paris. With respect to the condition of Greece, he had good authority for stating that at present it was tranquil—and that the prospect of increased improvement was very considerable. He trusted, that the House, under these circumstances, would not join in the opinion of the hon. Member; and would reject his amendment by a considerable majority.

Mr. *George F. Young*, notwithstanding the statement made by the noble Lord, must concur in the view of the subject taken by the hon. Member for Worcester

Amendment negatived, and Bill read a third time, and passed.

STAFFORD BOROUGH.] Mr. Hume, brought up the Report of the Committee appointed to examine the Lords' Journals, to ascertain the course taken by their Lordships with respect to the Stafford Disfranchisement Bill.

Laid on the table.

The hon. Member then moved, that a new writ for the borough of Stafford be not issued until ten days after the commencement of the next Session of Parliament.

Mr. *A. Trevor* objected to the motion, and moved, as an amendment, that the writ be not issued for one week.

Captain *Chetwynd* opposed the motion. The report had undergone a very full and patient investigation in the other House of Parliament, and none of the illegal and immoral practices attributed to the borough had been substantiated. But whatever the supposed delinquency of the borough might be, he thought it had already been sufficiently punished by the length of time during which it had been left with only one Representative.

The House divided on the original motion:—Ayes 45; Noes 5: Majority 40.

Writ suspended till after the meeting of Parliament.

CIVIL OFFICES DECLARATION.] The Chancellor of the Exchequer moved the third reading of the Civil Offices Declaration Bill.

Colonel *Sibthorp* was decidedly opposed to the Bill and to the practice of proceeding with measures of this important description at so late a period of the Session.

Mr. *A. Trevor* entirely coincided with the gallant Member for Lincoln. The principle of the Bill appeared to him to be most objectionable, and rather than suffer it to pass in such a hurried manner, he would continue to divide against it till eight o'clock in the morning.

The House divided:—Ayes 45; Noes 2: Majority 43.

Bill read a third time and passed.

BRIBERY AT ELECTIONS.] On the motion for bringing up the report of the Bribery at Elections Bill,

Colonel *Sibthorp* had strong and insuperable objections to the measure. He moved as an amendment, that the House do adjourn.

Two divisions took place on motions for adjournment, and though the minority was only three, it was found necessary to defer the further consideration of the report.

After a short discussion the further consideration of the Report was deferred till to-morrow.

POOR RATE. PAROCHIAL ASSESSMENTS.] Mr. *Poulett Thomson* moved, that the Lords' amendments to the Parochial Assessments Bill be aken into consideration this day three months. The amendments made by the Lords were undoubtedly calculated to improve the measure, but being a Bill for rating, there was a technical difficulty to its receiving any amendment in the other House. He had therefore no alternative but to move that the amendments be rejected, and then to move for leave to bring in another Bill upon the subject.

Amendment rejected, and another Bill was brought in, and read a first time.

HOUSE OF LORDS,

Friday, August 12, 1836.

MINUTES.] Bills. Read a third time:—Secular Jurisdiction (York and Ely); Newspaper Stamps.—Read a first time:—Greek Loan; Civil Offices Declaration.

Petitions presented. By the Duke of RICHMOND, from St. Giles's, Camberwell, against London Cemetery Bill.

CONFERENCE.—CIVIL BILL COURTS (IRELAND).] A Conference was held with the Commons on the subject of amendments made by their Lordships in the Civil Bill Courts (Ireland) Bill.

The Duke of *Richmond* reported, that the managers on the part of the Commons had left with the Lords' managers the reasons assigned by the Commons for disagreeing to certain of their Lordships' amendments.

The Marquess of *Westmeath* moved, that the Commons' reasons be taken into consideration on Monday.

Lord *Plunket* hoped they might be taken into consideration at once, as he was obliged to leave town on Monday.

The Marquess of *Westmeath* was surprised that the noble and learned Lord should propose at once to debate the Commons' reasons for disagreeing to their Lordships' amendments, as those reasons had not been five minutes on their Lordships' table. The noble and learned Lord might have seen those reasons more than five minutes ago; but as he had not had any such advantage, he did not feel himself competent to enter upon the discussion of them at that moment. But, though he was not, at any time, able to cope with the noble and learned Lord on a point of legal argument, and though on this occasion he laboured under the additional disadvantage of not knowing a single iota of the reasons, still, as he was unwilling to be the cause of any unnecessary delay, he was willing to proceed then. He wished, however, that the reasons assigned by the Commons should be read at length.

Reasons read accordingly.

The Marquess of *Salisbury* was anxious to hear the reasons which the noble and learned Lord had to urge in favour of the view taken by the House of Commons.

Lord *Plunket* said, that the object of the amendment made by their Lordships was to give the Barrister presiding in the Civil Bill Court a permanent jurisdiction to determine cases of ejection for non-payment of rent. That was a power greater than was possessed by the superior courts. They would not sanction an ejectment for non-payment of rent, unless written evidence were adduced in support of the application; but their Lordships' amendment gave to the assistant-barrister the right to affirm a decree of ejectment upon parole evidence, a course that was calculated to encourage perjury. In short, the amendment went to give to the assistant-barrister a power that was never possessed by the superior court. He believed that every professional man would agree with him, that such a clause might be made the instrument of great oppression.

Lord *Wynford* quite agreed with the noble and learned Lord.

Lord *Fitzgerald and Vescy* said, that he was unprepared to meet the difficulty which had been pointed out by the noble and learned Lord, which had not been stated when the amendment was brought forward, at which time the clause was generally received as one that was essentially necessary. The opinion of the noble and learned Lord was different from that of several legal individuals with whom he had had communication on this subject. As, however, he felt that it was a very serious matter to effect an important change in the existing law through the medium of an amendment to a Bill, he would call on noble Lords not to insist on that to which the Commons had disagreed.

The Marquess of *Westmeath* wished it to be understood, that the amendment did not originate with him, but was first proposed in the House of Commons by a noble Lord, whose own exertions, and those of his father, in favour of the agriculture, and in support of the tenantry, of Ireland, were not exceeded by the exertions of any landlords possessing considerable property in that country. He, therefore, could not be suspected of being actuated, more than any other noble Lord, by interested motives in bringing forward this clause, which he conceived was calculated to operate beneficially. The noble and learned Lord had said, that power was sought to be given to the Civil Bill Court which the superior court did not possess. Now, it ought to be observed that the Civil Bill Court was itself an anomaly which the situation of Ireland had rendered necessary, and to which an increase of jurisdiction had, from time to time, been given by Parliament. Therefore, in his opinion, there was not much force in that objection of the noble and learned Lord. That court had great power at present. As the law now stood, where notice to quit was legally and regularly given to a tenant from year to year, the judge must, in conformity with the Act of Parliament, issue a decree. But it was said, that if this clause were persisted in, it was likely to lead to perjury. On that point considerable negotiation had taken place; and those who favoured the clause evinced an anxious desire to give to parties a full and fair

House. He felt that they were wasting their time most miserably; and he was sorry that the hon. Member for Wenlock, who had taunted the notion of Irishmen having any rights, was not in his place to confirm that feeling. Any Bill which might contain anything like solid relief for Ireland would be destroyed by that party, which was in reality the destructive party. The mischiefs, then, which were anticipated as the result of the clause, were not likely to occur; but, if possible, they ought to be guarded against. Perhaps something might be done with respect to the remainder of the million; but he was afraid to propose any plan. In fact he was legislating in despair.

Viscount *Morpeth* saw no difficulty in carrying the clause into effect with respect to tithes that would hereafter become due; but he was quite willing to allow of some modification of the other part of the clause. He would suggest that three months should be allowed for the recovery of arrears after the passing of the Bill.

Lord *Stanley* said, that the clause prevented the parties from recovering the arrears, while it gave them nothing in lieu. This he thought most unjust. His noble Friend proposed to give time for the recovery of arrears by action. Continual complaints had been made, that Ireland was overrun with suits and actions for tithes, and yet his noble Friend now proposed to renew and protract those objectionable proceedings. He could not conceive why his noble Friend should hesitate to strike out the words relating to the arrears.

Mr. *O'Connell* wished it to be recollected what was the intention of this Bill. It was intended to pacify the people. By consenting to strike out the words referred to, his Majesty's Government allowed litigation to remain, and all suits for the arrears of tithes to continue. When there was a wish for the pacification of the country, he was surprised that any paltry consideration as to the saving of the remnant of the million could be thought of.

Mr. *Shaw* could safely undertake on the part of the Irish clergy, that they would allow their personal and private interests to interfere with any equitable and permanent adjustment of the question of tithe property, and in that spirit he was sure they would be ready to acquiesce in any reasonable arrangement for meeting the surplus of the million, applicable to the settlement of existing arrears.

Mr. *Thornely* objected to the giving up the remainder of the loan for the purpose of paying off the arrears.

Lord *J. Russell* agreed with the hon Member for Wolverhampton, and said, he was not inclined to consent to such a disposal of the remainder of the money advanced by this country. He also remembered, that the hon. and learned Member for the University of Dublin, when the loan was first proposed, denounced it as a measure pregnant with the greatest mischiefs to Ireland, and said it would be a bonus for the non-payment of tithes.

Mr. *Shaw* said, he held precisely the same opinion still, and felt that the result had fully justified his prediction, that a suspension of the payment would encourage opposition, and ultimately effect the security of the property in tithes; but now, that an entire new arrangement as to the future payment was making, he was willing to agree to a compromise in all that related to the past, and so close the account as to existing arrears.

Clause agreed to.

Clause 2.—All sums payable by instalment under the 3rd and 4th William 4th, c. 100, remitted; and any money heretofore paid thereunder to be refunded.

Mr. *Shaw* said, that if the government meant to apply the remainder of the million to the liquidation of the arrears, the present was the clause by which that should be effected; but as the Government declared that no part of the Bill should pass without the appropriation clause, he rather threw this out as a suggestion than for any practical purpose, as he (Mr. Shaw) was well persuaded that the Bill never could pass with the appropriation clause.

Lord *Stanley* said, that there were names in the list of those who had availed themselves of the million loan, that he thought would have sooner cut off their right hands than have applied for any portion of that loan, which was intended by Parliament for a very different purpose indeed. There was one case connected with the grant of money to tithe-owners which came under his observation, and which he should just mention to the House. It was well known that where lay impropriators were compensated for the loss of their tithes, they delivered in lists of the parties who were indebted to them. One of the claims founded upon those lists was disallowed upon very sufficient, but rather remarkable, grounds. The individual, whose name he should not mention, made his claim in the usual way;

the list he had given in was observed to contain one name exactly the same with that of the claimant; the explanation he gave of the matter was this—that while he was a tithe-owner he ought to have been a tithe-payer; he, therefore, owed tithe—to himself. Thus had he become a defaulter, for he never paid himself; he thought he was entitled to payment from himself to himself, and, therefore, he had included his own name in the list of the defaulters.

Clause agreed to.

Clause 3.—All lands subject to the payment of tithe compositions, charged with an annual sum, by way of rent charge, equal to seven-tenths of such compositions, to be payable by the party having the first estate of inheritance, &c., in such lands.

Mr. *Shaw* objected to the words "seven-tenths," and proposed "three-fourths" instead. He had before consented to a reduction of twenty-five per cent, thinking on the whole that was too large, but still feeling that, as a consideration must be allowed to the landlord, the Church was disposed to make a liberal allowance, and not to stand upon too nice a calculation of what the cost of collection from the occupier had actually been. He knew that in many parts of Ireland, and particularly in the south, before the tithe agitation had been excited, the tithes had been collected at a cost of five per cent; but as to thirty or forty per cent, that would be an appropriation to the landlords to which he never would give his consent.

Mr. *O'Loghlen* was glad to hear from such competent authority that the opposition to tithes did not commence with the Roman Catholics, as had been so frequently stated, but with the Protestants of the North of Ireland. He was also glad to hear from the right hon. and learned Recorder for Dublin, that he had no objection to the appropriation—that was his phrase of twenty-five per cent of the tithes to the landlords. What, he would ask, became of the right hon. Gentleman's sweeping objection to appropriation generally, if he approved of appropriating twenty-five per cent of the whole amount of tithes?

Mr. *Shaw* denied that he had said the opposition to tithes commenced with the Protestants of the north; but he did say, that, on the whole, the Roman Catholics of the south paid them cheerfully, until they were urged on to opposition by selfish agitators and a relaxation of the law. He was surprised at the misrepresentation of his words by the right hon. Gentleman. He studiously avoided the term appropriation, when he spoke of the twenty-five per cent agreed upon as a consideration for throwing upon the landlords a payment to which they were not liable by the existing law; and he took credit to the clergy for dealing with them liberally and disinterestedly on that point. What he did say was, once go beyond what could fairly be considered as a deduction in consideration of the landlord's new liability, and you would then virtually be appropriating to the landlords the property of the Church. Against that he protested, and deducting forty per cent would palpably be such an appropriation.

Mr. *O'Connell* would wish to bring forward an amendment of which he had given notice. What he would propose to do would be this—that the tithes should be reduced forty per cent—he would have the deficiency supplied out of the money collected by the Woods and Forests, from Ireland, and generally expended in England. From that sum he would take 50,000*l.* to make up the deficiency. This would make the income of the clergy equal to what it is under this Bill, and it would also afford the means for appropriation. The appropriation was most important, as it would mitigate the objections entertained against the payment of tithes. He did not want to press his motion to a division; he had no desire to waste the time of the House. There was, he said, no possibility of the Bill passing as there was a determination in the other House not to do anything to quiet the country. The other House had linked itself with the ascendancy party—of that party who appeared determined to sink or swim. He did not think that there was much buoyancy about it; but this connexion was most disastrous—certainly disastrous to Ireland at this moment, and likely to be equally so to that House at a future period. He would not, having briefly explained his views, press his motion to a division.

Clause agreed to,

On Clause 9.—Rent-charges to be under the management of Commissioners of Land Revenues.

Mr. *Shaw* objected to the rent-charges being vested in the Commissioners of Woods and Forests for seven years; and he would ask the noble Lord what was to become of them then? He had not objected to the provision introduced by the noble Lord near him (Lord Stanley), giving them the temporary management of the property as trustees for five years, while the quinquennial payments were making, and then to restore the property in an improved state to the church; but this contained no such provision.

Viscount *Morpeth* said, it was objected last year that the Commissioners of Land Revenue were too secular a body, in whose hands it would be proper to place the management of this revenue permanently.

Lord *Stanley* must also object to the proposal of opening this question every seven years. The Bill, in fact, invited parties to re-open it. His noble Friend opposite spoke of the measure as a final measure. He could not avoid congratulating the opposite side of the House on the prospect of finality afforded to it, by the division which took place that evening; nor could he avoid congratulating his noble Friends on the prospect which that division held out of its proving satisfactory. No measure ever could—it was a mere delusion to hope it ever could, unless the rent-charge were redeemable. In the then state of the committee he should not divide upon the subject, though, if the attendance had been fuller, he should have done so.

Lord *John Russell* said, that on the whole a Bill might be final, even though some particular portions of its enactments, were intended only for temporary purposes. He never meant to pledge the Government against redemption.

Clause added to the Bill.

On Clause 11.—Compositions for tithes may be revised, on application to the Commissioners of land revenues.

Mr. *Shaw* said, that they had now arrived at a class of clauses which in respect of injustice and harshness towards the Irish clergy, were, perhaps, among the most objectionable in the Bill; he meant those which gave a power of re-opening composition that had been entered into for many years past, and considered, under the faith of an Act of Parliament, as final and conclusive upon all parties. He would read to the House a paragraph from a Petition, from the clergy of the united dioceses of Ossory, Ferns, and Leighlin, which he then held in his hand, on the subject. The petitioners entreated the House on no account to open the compositions for tithe. They said, that the best means had been adopted to have them fairly executed, and, that more than seventy-three of them were made under the direction of Government, by persons who had no interest in raising the incomes of the clergy—that if they were opened, dissentions and angry conflicts would be continued, and the excitement on the tithe question, inflamed instead of extinguished. They also stated, that as the compositions had been considered final, no care was taken to preserve the original documents—many of the persons engaged in the arrangement had died, and it would be most difficult, if not impossible, for the clergy to make out proofs of the former value of the parish. As a proof how unnecessary the re-opening these compositions was, he would state a few facts in reference to them:—Under Mr. Goulburn's acts 1,505 compositions had been entered into—from these there were on both sides but thirty-nine appeals. Of the thirty-nine, fifteen were withdrawn, and twenty-four heard; and in three only was the certified amount reduced. In Lord Stanley's act, passed in 1832, he introduced a clause allowing, upon appeal under Mr. Goulburn's Acts, for three months from that time, and what was the result? There were six appeals in the whole, four of them were dismissed, in one the certificate was diminished, and in one increased. Under Lord Stanley's act for compulsory composition, there were altogether 820 compositions. There were eighty appeals lodged, of which twenty-four only were disturbed—fourteen being reduced, and ten increased. With these facts and circumstances before them, was it reasonable to give a power of re-opening agreements which had been entered into some ten or twelve years ago, when the parties were changed, many of the witnesses dead, and the documents either lost or destroyed upon the faith of Acts of Parliament making such compositions final. He admitted there might be extreme cases wanting revision, and he would provide for them, but he protested against the general principle of these clauses.

Mr. *W. Smith O'Brien* said, it was a complete farce to go on talking about the details of the Bill in the way they were now doing, when it was quite certain that the Bill would not pass through the other House of Parliament, and their labours would thus come to nothing and prove a mere mockery. Except for the pleasure of hearing themselves talk, he (Mr.

O'Brien) knew not for what purpose they were there at all.

Lord *Stanley* said, that hon. Gentlemen opposite had repeated so often that it was a mere mockery to discuss the details of this Bill, because there was little chance, as they alleged, of its passing into law, that he really was inclined to believe that his Majesty's Government had no inclination to go on with the Bill. But if it was not the intention of his Majesty's Ministers to stop the progress of the Bill, he considered that it was not a mockery for the House of Commons to assemble in Committee for the purpose of expressing their opinions as to what portions of the Bill they approved of, and which they dissented from. He certainly was not prepared to say that he expected to see this Bill pass through the other House of Parliament When he recollected the very small majorities by which certain principles of the Bill had been supported in the House of Commons, varying from thirty-seven to thirty-nine, and the very large majorities by which they had been rejected in the House of Lords, he certainly was not prepared to hazard an opinion on the prospects of the future. At the same time, however, he thought it highly important that the country should have an opportunity of seeing what points there were in this measure upon which both branches of the Legislature were agreed. He had no objection that where concealment or fraud had taken place, that the compositions should be re-opened, but to open the compositions generally since 1823, when it was morally impossible the present incumbents could be in possession of the requisite proofs, he thought would be a measure of the grossest injustice, and one calculated to produce greater mischief than it was proposed to rectify. At all events he thought justice required that no compositions should be re-opened later than the passing of his Bill in 1832. That Bill gave the tenants three months to appeal under Mr. Goulburn's Act, and if they neglected to avail themselves of it, they should not now be permitted to do so after such a lapse of time, as rendered almost impossible that the existing clergyman should have the proof required to substantiate the fairness of the composition into which his predecessor had entered.

Viscount *Morpeth* said, that the principle of this clause was one which had been very often discussed, and had always been decided in the same way. Undoubtedly, many cases of hardship existed; and it was, he thought, both fair and expedient that a power of revision should be allowed.

Mr. Sergeant *Jackson* said, that ten out of twenty, or, he might say, ninety out of every 100 clergymen in Ireland would find it impossible to bring forward the proof required. At the time the compositions were entered into the clergyman thought they were final, at all events for twenty-one years? Was it likely, then, he would ask, that they were now in possession of the evidence upon which those compositions were formed? But was the House aware of the nature of the evidence? It was composed principally of the promissory notes of poor farmers for a few shillings each, and the tithe proctors' returns. Was it, therefore, at all improbable that the clergyman should have put such documents in the fire? Where injustice or fraud could be proved he had no objection to re-open the compositions, but to re-open them generally, he thought an act of the most flagrant injustice. The hon. Member for Limerick had characterised the proceedings as a farce, but he knew not why. He understood that it was the intention of an hon. Member to bring forward a motion for expunging the appropriation clause. If that clause were expunged, he thought the Bill might be made a beneficial Bill. He thought it too much to taunt the proceedings as a mockery and a farce, but if it be either, who brought us here.

Mr. *Finn* asserted that the appropriation clause was the only clause in the Bill of any value to the people of Ireland—the only clause for which they cared one button; and if that clause were not preserved the Bill would be valueless.—As to the question of the re-valuation of tithe, he contended that you would commit an act of the grossest injustice, unless the compositions were to be re-opened in many cases.—It was quite a delusion to hope that the appropriation clause could be expunged, and without it there was no chance of passing the Bill through that House, unless the Government and the House were satisfied to disgrace themselves for ever.

Sir *Robert Bateson:* As a lover of the peace and tranquillity of his country, regretted to find, from the statement of the hon. Member who had just sat down, that the hopes had been removed which, within the last few days, were entertained that there was a chance at last that this question might be brought to a satisfactory conclusion. All parties were agreed upon the necessity of finally settling it; but that settlement was impossible so long as the appropriation clause was retained. The question of appropriation was brought forward for the purpose of upsetting Sir Robert Peel's Administration. Hon. Gentlemen opposite said to his Majesty's present advisers—we will support you upon the terms of giving us the revenues of the Irish Church, and upon no other. He would contend, that the re-opening of the tithe composition must be attended by the most mischievous consequences, and he would say, not merely for the sake of the clergyman, not merely for the sake of the tithe-payer, but also for the sake of the country, that any settlement of this question ought to be final. If the Government would abandon the appropriation clause, they might be enabled to prepare a measure which would give peace and tranquillity to the country, and remove the agitation, crime, and misery, with which Ireland was filled. He regretted to observe the apathy and indifference with which this subject was treated by those who claimed to themselves the merit of being the only friends of Ireland, and whose feeling on the subject was indicated by the deserted state of the benches opposite; but he was quite willing to give every assistance in his power towards making this an effective and serviceable measure.

Mr. *O'Loghlen* agreed fully with the proposition that had been laid down, that to open the composition generally, without guarding against an unnecessary re-valuation, would be very injurious. But the hon. and learned Member opposite would find, if he referred to Clauses 12, 13, and 14 of the Bill, that a person who felt himself aggrieved by composition was bound, in the first place, to send in his statement of facts, accompanied by an affidavit, to the Commissioners of Land Revenue, and if they thought that a *prima facie* case was made out, they were to transmit it to the Lord Lieutenant, who was to refer it to three Barristers. If an appeal had been made before the Lord Lieutenant was at liberty to allow the case to go to the Barristers or not, as he thought best. Well, then, the party complaining would be bound to make out his case before the Barristers, and sustain it by evidence, and neither the clergyman, nor the parish, nor any other tithe-owner, would be obliged to produce evidence, till a fair *prima facie* case was made out by the defendant. If this Bill passed, there would be no appeal, or petition of appeal, unless in cases, one or two of which might be found, where it would be desirable that a composition made under fraud, or rather too hastily made, should be opened.

Mr. Sergeant *Jackson* agreed with his right hon. and learned Friend the Attorney-General for Ireland in the views he entertained with respect to the cases in which it was desirable that the compositions should be opened, and if he could arrange it so as to meet those special cases only, he would offer no further objection to the clause. He would observe, that although the complaint was to be received on affidavit, the unfortunate clergyman was put to his proofs, and his oath was not taken. What he wanted was a statement of material facts, and those facts positively sworn to.

Dr. *Baldwin* contended, that the appropriation clause must be part of the Bill, and declared, that he was not influenced either by the hon. and learned Member for Kilkenny or by the Government, to whom he owed as little as any man.

Colonel *Perceval* said, that the two sides of the House were very near coming to an agreement upon the matter now at issue. The affidavit on which the composition was permitted to be opened, might be founded upon matter true to the best of the deponent's knowledge and belief. Now, if the affidavit were confined to matters of fact, that would be all they wanted. In the county which he had the honour to represent, the compositions were entered into after the minutest investigation. In other parts of Ireland, it perhaps, might have been different, but so far as regarded his part of the country, he must rescue it from the imputation of having entered into these compositions under any delusion.

Mr. *O'Connell:* If he thought it likely that the Bill would pass into a law, he should object to the clause as too stringent, and confining the cases in which the composition might be opened within limits too narrow. With respect to the compositions entered into in Sligo, he could only say, that a Protestant gentleman, Captain Willis, complained most bitterly of having been overcharged.

Mr. *Estcourt* said, that from communications he had received from Ireland, he could corroborate the statements of hon. Members on his side of the House, that the clause as it stood would be productive of serious evils to the Irish clergy, amongst whom the greatest apprehensions prevailed.

Clause agreed to.

On Clause 12, being proposed by the Chairman.

Lord *Stanley* objected to the provisions of this clause, which took the decision of a supreme court of appeal—that of the judges of assize and the Privy Council, and gave the jurisdiction to the three barristers who were to be appointed Commissioners under this Bill. The provisions of the clause would have the effect of still further opening the composition, and that, too, in a manner most objectionable.

Mr. *O'Loghlen* remarked, that the merits of any case once decided by a judge of assize, of course that decision would be acted upon by the Commissioners.

Mr. *French* contended that if any objection was to be made to these clauses, it ought to come from the Liberal Members. They were, if anything, too restrictive. The maintenance of these clauses was absolutely necessary both to the voluntary and compulsory composition. The hon. Members who objected, to interfering with existing arrangements, seemed to forget that they were about to interfere with them in a most important manner, viz., without the consent of the parties concerned, converting agreements for a short and limited time into perpetual ones. Injustice might be submitted to for a short time, but it was rather much to ask it to be permanently borne. The hon. Member for Bandon had altogether mistaken those clauses, all compositions were not by them necessarily opened; on the contrary, nothing could be more guarded against vexatious proceedings. First, it was necessary that a case should be made out to the satisfaction of the Commissioners of Woods and Forests, and unless they were satisfied of the necessity, no revision could be allowed. The statement before them must be verified on oath. It was then to be referred to the Lord-Lieutenant, and ultimately to be adjudged by barristers of standing in their profession appointed for that purpose. He really could not imagine how it was possible to guard more effectually against vexatious proceedings.

Clause agreed to.

The House resumed—Committee to sit again.

HOUSE OF LORDS,

Monday, July 4, 1836.

MINUTES.] Bills. Read a third time:—Chapels of Ease (Ireland); Benefit Building Societies.—Read a first time:—Suits in Equity.—Received the Royal Assent:—Sugar Duties; Revenue Departments Securities; Bankrupts' Funds; Dublin Police; Waste Lands (Ireland); British North American Bank; Dublin Steam-Packet Company; and a Number of Private Bills.

THE WAR IN SPAIN.] The Marquess of *Londonderry* begged to be allowed to say a few words in postponing the notice he had given, with reference to the letter moved for by the noble Duke on the cross-bench (Richmond) on the 19th of May last. He (the Marquess of Londonderry) should not have moved for the production of that letter himself, because he felt that any discussion as to the state of the war in Spain might be attended with some inconvenience to the public service; and considerable reserve had, therefore, been shown upon the question on his side of the House. But he did expect, when the noble Duke on the cross-bench had moved for that letter, bearing, as it did, on the disgraceful and disgusting manner in which the British troops had been engaged in the war, he would have favoured the House with some observations on the subject. That noble Duke declared himself free from all party; the motion he made some time ago on the subject of the Irish Municipal Corporations appeared to have exercised considerable influence on the course pursued by Ministers elsewhere; he had also shewn great dexterity in bringing down a noble Earl the other night, who had before taken leave of political life, and whose speech from the same cross-bench had been so much praised by both sides of the House, although he could not say with much justice; the noble Duke sitting on that cross-bench, and exercising so much influence, ought, after moving for the production of the letter in question, to have directed the attention of their Lordships to the subject. The question now related not only to the state of the war in Spain, but concerned the profession at large; it came home to every soldier;

for it was impossible to say whether, as matters now stood, if Lord John Hay were taken to-morrow, summary punishment would not be inflicted on him. For God's sake let things remain no longer in that state; the King's troops and ships could not be employed in that service without involving Government in a responsibility of the most frightful character. But in consequence of the absence through indisposition of his noble Friend, the Duke of Wellington, whose opinions were entitled to so much weight on every thing connected with the Peninsula, he was induced reluctantly to postpone his motion. He hoped that the Session would not pass over without their Lordships having their attention directed to this subject, and without Ministers being called to account.

The Earl of *Minto* rejoiced, that it would not be necessary for him to say one word, either as to the reasons which the noble Lord had given for thinking that these questions ought to have been put some days ago, or as to the reasons which he had assigned for thinking, that as those questions had not been put then, they ought not to be put now. He wished, however, to offer one observation in reply to those which had just been offered by the noble Earl. The noble Earl had said, that one of his reasons for not putting these questions now was, that he apprehended the discussion might be injurious to the public service, and that he observed, on the part of his Majesty's Government, some shrinking, which looked like reluctance to enter upon it. Now, in reply to that observation, he would say, first, that he saw no inconvenience likely to arise to the public service from the questions of the noble Earl; and secondly, that he himself had no reluctance to answer any question put to him by the noble Earl consistent with his duty to the public. He said this, that it might not be supposed that he shrank in the slightest degree from this discussion. He thought that the noble Earl's speech was rather addressed to the noble Duke on the cross-benches than to the Members of his Majesty's Government, and he should therefore leave the noble Duke to reply to it. The noble Earl had condemned the war in Spain, had said that it was a new and anomalous state of things, and had asked in what character did this country appear in it. His (Lord Minto's) answer to that question was, that our country appeared there as an ally under the treaty of quadruple alliance. Under that treaty we were bound to send an auxiliary naval force to co-operate with the forces of the Queen of Spain. There was nothing new or anomalous in their appearance in the field in that character. Whenever the noble Earl asked his questions he should be prepared to give them a distinct answer.

The Duke of *Richmond* would not enter at present into the question of the propriety of the war in Spain. When that question was regularly before the House, he should be ready to give his opinion upon it. He could not, however, permit the noble Earl to say that the noble Earl late at the head of his Majesty's councils (Earl Grey) had recently come down to the House upon his (the Duke of Richmond's) persuasion. That noble Earl had come down of his own accord, by his own consent, to his own great honour and credit, and had displayed in his speech of that night the same spirit of disinterested patriotism which he had displayed upon every occasion during a long life. That noble Earl had come down, and had made a speech which he could have wished to have had that influence on the cross-benches which the noble Earl said that it produced. That speech must have convinced many, but he was sorry to see, that however much it might have influenced, and would long continue to influence, the people out of doors, it had not changed the vote of a single noble Peer. He was not the noble Duke who had persuaded the noble Earl to come down on that occasion. He wished to God that he had such influence over the noble Earl, for if he had, he would bring him down as often as he could to assist and benefit the deliberations of their Lordships.

The Marquess of *Londonderry* had never supposed that the noble Duke had used compulsion to bring the noble Earl down to the House. The noble Duke however, and the noble Earl together had made a formidable diversion in support of Ministers. He should be most happy to have the noble Earl and the noble Duke as his allies; and in saying that, he hoped he should not be accused of saying anything disrespectful to either. He thought that his Majesty's land forces were placed in extreme peril in Spain by the course pursued by General Evans. The noble Earl need not flatter himself that he had got out of the scrape yet; he would have enough of it before the close of the Session.

The Earl of *Minto* had derived his information from sources less public than those of the noble Marquess; and from all that he had heard and seen, he apprehended that General Evans would proceed in the same gallant career of success which he had hitherto pursued.

Conversation dropped.

TRANSFER OF PROPERTY BILL.] Lord *Lyndhurst,* in moving the second reading of this Bill, said that all that was necessary for him to state in support of this motion at present was, that this Bill was intended to follow up the intentions which had been partially expressed in one of the Reports of the Commissioners on the law of real property. Unfortunately, before those Commissioners had made their fourth Report, the time for making it had expired, and their Commission had not been renewed. Mr. Tyrrell, who was a member of the Commission, had, in consequence, prepared the heads of a Bill which had been circulated extensively among the members of the profession, and had been very generally approved of. A Bill prepared on those heads had been presented to the House of Commons in the Session of 1834. It was sent to a Committee up-stairs, and there underwent some alterations; but owing to those alterations, and to the multiplicity of provisions which the Bill contained, it had not passed during that Session. It was nevertheless circulated extensively, and was approved universally. The object of the Bill was shortly this:—Their Lordships were aware of the intricate nature of the law of real property in this country. The main reason of that intricacy was, that it applied the ancient institutions of the law to the new habits and circumstances of the country. The law of conveyancing was full of forms, distinguished by great prolixity, and, at the same time by great nicety. The object of this Bill was to lessen the prolixities and to get rid of the niceties which formed so constant a subject of litigation in the Courts of Law. He would illustrate his meaning by two instances. In all ordinary conveyances, the mode adopted was by deed of lease and of release. The deed of lease was rendered necessary to put the purchaser into possession of the property, in order that he might be in a situation to take the benefit of the deed of release. Now this Bill would substitute one deed, which would have the effect of the two old deeds of lease and of release. Again, where a party wished to convey property to himself and to his wife, it was necessary at present to convey it first of all to trustees, and then to convey it through them back again to the party and his wife. Now this Bill would substitute one direct deed of conveyance for the other two. These were samples of the objects of the Bill, and having made this statement, he hoped that he had said enough to convince their Lordships that it ought to be read a second time.

The *Lord Chancellor* agreed in the principle and the propriety of this Bill. The rules of conveyancing ought to be adapted to the circumstances of the property of the country. There were some details in this Bill from which he differed, but he would reserve them for discussion in the Committee.

The Bill read a second time.

CHURCH DISCIPLINE.] The Earl of *Shaftesbury* moved, that the Church Discipline Bill be committed.

Lord *Ellenborough* said, his objection to this Bill was, that it introduced Jury trials upon new principles. The Bill ought to state more clearly in what way these Juries were to be summoned, or how the chairman was to decide on the character, property, and even existence of offending clergymen. He had prepared some clauses on the point, and wished them to be printed for the consideration of the House.

The Bishop of *Exeter* also had some clauses to propose in points which now pressed heavily on the Church. At present, it was hardly possible to carry on proceedings against a delinquent clergyman, in consequence of the enormous amount of the costs. If they made the costs extremely light, they might be overwhelmed with the number of applications for proceedings, but at the same time they should not be of such magnitude as almost to prevent the possibility of proceeding. The object, therefore, of the clause which he wished to propose was, that there should be some species of precognition in cases of this kind, which should have jurisdiction somewhat to the same effect as that now exercised by the Grand Jury. He also intended to propose, that provision should be made to have a promoter of the proceedings against a clergyman, against whom an accusation was brought.

Lord *Wynford* complained of the clause which subjected prosecutors to costs in case the prosecution failed; but expressed himself generally favourable to the measure, and anxious that, after it had been amended in a few particulars, it should be allowed to pass. He hoped that the noble Lord on the Woolsack would consent either to such a postponement as would afford him sufficient time to prepare his amendments, or do that which he considered the better course—viz., to send the Bill to a Select Committee up-stairs, not, however, he could assure their Lordships, with any view on his part to the final rejection of the measure, which he trusted might be rendered highly serviceable to the interests of the Church.

The Archbishop of *Canterbury* was obliged to the noble Lord (Lord Ellenborough) for the assistance which he was ready to afford in the amendment of this Bill; but it appeared to him that the noble Lord, though he decidedly expressed his approbation of the Bill, had, nevertheless, at the same time objected to it, and, in some respects, he thought rather unfairly. The clause of which he had complained in particular, was no departure from the ancient laws, but actually in accordance with the present custom at Doctors' Commons. For his own part, however, he was disposed to support that proposition, because it was necessary that some security should be afforded to clergymen against malicious and unfounded prosecutions. He was acquainted with several instances in which the want of some remedy of the nature now proposed, had been attended with grievous and oppressive effects upon parties who had been unjustly accused. He had himself, when Bishop of London, been engaged in a case respecting the patronage of a school, in which a caveat had been entered against his licence, which he forbore to sign until it should be determined to whom the right belonged. The prosecutor who commenced this case, was not at the conclusion of it, in any way before the Court, and he himself was accordingly left to pay the costs to the amount of 70*l.* or 80*l.* He had no objection to the postponement of the Committee; his object was to get as good a Bill as possible, and he knew not how that could be better effected than by having all the amendments printed, for the consideration of the House.

Lord *Lyndhurst* wished to call their attention to one part of this measure. It appeared that the mode of proceeding, according to the Bill, was to be this:—A citation was to be issued to the party charged, then the charge given in writing, and the answer to that charge was then to be given in; after which a Jury would be summoned to try the case. But suppose the charge was not a valid charge in law, what would be the consequence of that proposition? Why, that the Jury would have to deal with a matter entirely out of their province, for the object of a Jury was to decide questions of fact, and not points of law. Their Lordships knew, that in such cases, at common law, the proceeding was by a demurrer.

Bill committed *pro forma*.

HOUSE OF COMMONS,

Monday, July 4, 1836.

MINUTES.] Bills. Read a third time:—Murderers Execution; Bills of Exchange.—Read a second time:—Personal Tithes; Benefices Plurality.—Read a first time:—Handloom Weavers.

Petitions presented. By Mr. BROTHERTON, from various Places, against Factories' Act Amendment Bill.—By Mr. TOWNLEY, from Wisbeach, against Secular Jurisdiction (York and Ely) Bill.—By Mr. PEASE, from Caltwry, for Abolition of Tithe on Fish.—By Sir EDWARD CODRINGTON, from Devonport, for a Repeal of the Act 58th George 3rd, for Regulation of Parish Vestries.—By Mr. HESKETH FLEETWOOD, from Poulton and Thornton, for Repeal of the Bastardy Clause.—By Mr. HARVEY, from the Proprietors of Licensed Beer Houses, Rochford, Southwark, and Eastern Half Hundred of Brixton, to be placed on the same footing as Licensed Victuallers.—By Mr. RIDLEY COLBORNE, from the Procurator-General, Bath and Wells, for Compensation.—By Mr. JAMES OSWALD and the ATTORNEY-GENERAL, from Edinburgh, for Acceleration of the Mail.—By several HON. MEMBERS, from various Places, for Amendment of Municipal Corporations' (Scotland) Bill.—By Mr. DUNLOP, from Beith and Kilmauns, against Burghs of Barony (Scotland) Bill.—By several HON. MEMBERS, from various Places, praying the House to adhere to the Irish Municipal Corporation Reform Bill as originally passed by them.—By Mr. S. CRAWFORD, from Dundalk and Inniskeen, for Landlord and Tenant (Ireland) Bill.—By Mr. H. FLEETWOOD, from Preston, for Abolition of Beer Shops.—By Mr. Alderman THOMPSON and Mr. FORT, from Sunderland and Chipping Campden, for Abolition of Church Rates.—By two HON. MEMBERS, from various Places, against Church Bill (Ireland.)—By Mr. HAWKINS, from Newport, for Amendment of Municipal Corporations' Act.—By the ATTORNEY-GENERAL, from Edinburgh, for Abolition of Annuity Tax.—By Mr. HARVEY, from the Medical Profession, Colchester, for Medical Witnesses' Bill.—By Mr. S. CRAWFORD, from Bangor, against Excise Licences (Ireland).

IMPROVEMENTS IN LIGHT-HOUSES.] Mr. *Warburton* presented a petition from Mr. Michael Donavon, complaining of the conduct of the Trinity-house Corporation towards him in regard to a new method which he has invented for the lighting of light-houses. The petitioner stated, that an experiment of his invention had been made at the South Foreland Light-house, and that he had been employed himself there for three months; and he further stated, that the Trinity-house had distinctly acknowledged to him that his invention was a valuable one, which must lead to very important improvements in the existing system of light-houses. It appeared from the statement of the petitioner, that his invention consisted in the employment of refracting lenses, instead of reflecting mirrors, with oil lights. The hon. Member stated, that the Report of the engineer of the Trinity-house Corporation spoke in high terms of the invention of the petitioner. The petitioner also stated, that having been thus for three months employed at the South Foreland, the light-house keeper sent up a Report to the Trinity Board that an explosion had taken place, and that the light-house had caught fire. The petitioner complained that no opportunity had been afforded him of being confronted with that person; that he had been at considerable expense in fitting up his apparatus, &c., and prayed the House to take his case into consideration. He would wait until he heard the explanation of the hon. Member opposite, an elder brother of the Trinity-house, Mr. A. Chapman, before he would decide on what steps he might hereafter take in regard to this question.

Mr. *Aaron Chapman* defended the conduct of the Trinity Corporation, and maintained that they had acted most generously towards the petitioner. Certainly an explosion had taken place, by which the lights were at once extinguished, and he called upon hon. Gentlemen to consider what might have been the effect had any of his Majesty's ships or any merchant vessels been in the neighbourhood of the Goodwin Sands at the time. The Trinity Corporation had undoubtedly promised this individual to pay him any sum that might be required in making an experimental trial of his new light, and acting upon that feeling, they had given him 100*l.* for his model, and 350*l.* more for his own time; and on an application being made by him for further remuneration, they conveyed to him an intimation of their readiness to meet his demand, provided it was anything within reason, but the demand made by him was so exorbitant, that they felt they should be guilty of a gross dereliction of their duty to the public to entertain it for a moment. In conclusion the hon. Member remarked, that this Gentleman seemed offended that his invention had not been adopted in preference to those of others, such as Lieutenant Drummond, and other gentlemen of certainly equally high scientific character and pretensions.

Mr. *Warburtou* observed, that the explanation of the hon. Gentleman was not satisfactory, and thought that the Trinity-house should have erected an experimental light-house on shore, by which without incurring any risk, the advantages of the new invention might be put to the test until the discovery was perfected.

Petition to lie on the Table.

Crown Land—Radnor.] Mr. *Harvey* said, he had a petition to present from certain persons who felt themselves aggrieved by a statement made in that House by his Majesty's Attorney-General on a former occasion, when he (Mr. Harvey) presented a petition from those parties, complaining of the conduct of the Commissioners of Woods and Forests in reference to the disposal of certain manors in the county of Radnor. The Attorney-General said, that they were instigated to take the course they had adopted by an attorney of the name of Parsons. The petitioners stated, that so far from Mr. Parsons having instigated them to take that course, they had applied to him in the regular course of business to defend and conduct their case. He begged also to present a petition signed by several persons in the county of Radnor, complaining that the manors in that county had been sold in a way very disadvantageous to the public. Since the former discussion on this subject, he (Mr. Harvey) had learned that on the manor which was sold to Mr. Watt for 1,200*l.* that Gentleman had, by intimidation and other means, succeeded in getting seventy poor persons to attorn the little properties which they held to the amount of 200 acres, upon which several of them had built cottages, and which they had possessed for twenty or thirty years free and unmolested. Now, cheap as land was in Wales, the property thus gained by Mr. Watt was at least worth 1,200*l.* He thought that these petitioners had a right to complain that those manors belonging to the public were not disposed of by public auction.

The *Speaker* begged to call the hon. Member's attention to the first paragraph in the first petition he had presented. The petitioners stated, that "having read with astonishment a statement made in the House of Commons, &c.;" he submitted to the hon. Member that such a petition could not be received.

The *Attorney-General* said, that he, for one, would take no objection to the reception of the petition, though certainly the objection started by the Speaker could not be got over. With regard to the statement he had made on a former occasion, he would only repeat, that he received his information from a quarter to which the greatest credit was due, and that he had no reason to doubt a single word of the information he had thus received. Indeed, he was since informed, that a great number of the names to the former petition had been actually n the handwriting of Mr. Parsons.

Mr. *Harvey* said, that so gross a charge against a gentleman, a highly respectable attorney and a banker, in his own town, could not of course have been made by the Attorney-General upon light grounds. The learned Gentleman must have some reason for believing it. He (Mr. Harvey) most undoubtedly did not believe it, and if the gentleman so accused should write to him (Mr. Harvey) demanding an investigation, he would certainly move that he be examined at the bar on the subject.

The first Petition withdrawn.

Sir *E. Codrington* said, Mr. Watt had bought this property for 5,000*l.*, and that he had not benefited by it a single shilling. The proceedings complained of had not been taken by Mr. Watt, but by the Commissioners of Woods and Forests, who were obliged to complete their bargain with him.

Second Petition laid on the Table.

CHURCH AND TITHE (IRELAND) COMMITTEE.] Viscount Morpeth moved the Order of the Day for the House to resolve itself into a Committee on the Church and Tithes Ireland Bill.

On the question that the Speaker leave the Chair,

Sir *George Sinclair* rose, not for the purpose of discussing the principles or examining the provisions of this Bill, but in order to denounce the disingenuous and evasive course pursued by his Majesty's Ministers respecting the clause which was now to be considered in Committee—a course, which though entitled to high commendation as a model of astuteness and dexterity, was, in his opinion, totally at variance with the dictates of candour and straightforwardness. "Five months have now elapsed," said the hon. Baronet, "since the Session commenced. The introduction of this measure, upon which the Government grounded their chief claim to public confidence, and for which they were so clamourously impatient when seated on the opposition benches, was deferred until the latest possible moment; and after sundry bit and bit postponements, the Bill may be considered as once more virtually abandoned, because it is reluctantly dragged forward for commitment under a perfect conviction that it cannot possibly pass; and that his Majesty's Ministers have not the power, even if they possessed the inclination, to adopt the means which are essential for ensuring its success. Did any statesmen ever lay themselves more open to the charge of palpable tergiversation, or more unscrupulously kicked down the only ladder by which they could have clambered into place? "None but themselves can be their parallel;" and we must take a retrospective view of their last year's devices, to find a somewhat analogous illustration of their present proceedings. The Appropriation Clause, though instantly "sent to Coventry," until the 26th of June, was sanctioned, by a majority, I think, on the 6th of April. I myself suggested to this House the propriety of at once transmitting the resolution to the House of Peers, in order to ascertain whether, as the noble Lord affected to believe, they would ratify the principle, or whether as I ventured to assert, they would reject it with indignation. This would have been a manly and consistent course, but the noble Lord prudentially declined to adopt it; he shrank from the experiment of bringing the question to so speedy and decisive an issue. An usually protracted recess, a very favourite expedient of his Majesty's Ministers, almost immediately supervened. After banns had been proclaimed in the usual form by the Secretary of the Treasury, his Majesty's Ministers were formally re-married to their official brides, from whom in the preceding gloomy month of November, they had been suddenly and reluctantly divorced—

"priscus amor redit,
Diductosque jugo cogit aheneo."

They then retired, to pass at their respective country seats, the halcyon days of the honeymoon. Next occurred the catastrophe of the Devonshire election. The tutelary genius of Great Britain and Ireland was for a short time obscured by a temporary eclipse. Nothing could be done whilst the noble Lord was out of Parliament; *cum tot sustineas ac tanta negotia solus.* The Government resembled a time-piece, whose evolutions have been put a stop to by the unexpected rupture of the main spring—but that defect was speedily supplied by the able mechanics of Stroud, and another important wheel was instantly furnished by the accommodating artizans of Tiverton. We might, therefore, have ventured to hope that although the Ministerial machine might now and then have required to be wound up or set right, it would have performed its future movements with precision and regularity. The whole country was lost in amazement at the course pursued by the Government. The noble Lord being called upon to adjust the conflicting claims to priority between English Municipal Reform and the consideration of the Irish Tithe Question, was guilty of a palpable solecism in the heraldry of politics, by adjudging precedence to the former, Can any impartial judge confirm the noble Lord's decision? Was there, in point of urgency, the most remote comparison between these questions? But, then, it was manifest that the Government would strengthen their own hands, and secure their own tenure of office, and, therefore, "the clergy starve, that Ministers may dine." If the prominence which the two measures respectively occupied in the colloquial intercourse of private life might be assumed as a standard for estimating their relative importance, I should say, that for one quidnunc who ever broached the subject of corporate abuses, there were at least fifty anxiously inquiring from day to day, "Well, pray when does the Irish Tithe Question come on?—have you heard what Ministers mean to do with regard to the appropriation clause?" After several intervening weeks of silence and procrastination, the answer to the last interrogatory uniformly was—"Do? why they mean to do nothing at all. The clause, you may rest assured, will henceforth be a mere *brutum fulmen*, now that it has fairly answered its purpose of ousting a rival Administration." Some persons likened it to an old hat suspended on the top of a pole half enveloped in a tattered red jacket, with a rude wooden musket in its right hand, and a clumsy old broomstick in its left, and stationed in the middle of the Treasury Gardens, to scare away the whole feathered tribe of the Tories, and preventing any unwelcome intermeddlers from nibbling any portion of its golden fruit. Others, again, compared it to a train of artillery, brought up for the purpose of compelling some obstinate fortress to surrender, but which is quietly replaced in the arsenal as soon as the garrison capitulated and marched out with all the honours of war. No one indeed, either thought then, or can imagine now, that the principle would ever be formally avowed and openly abandoned by his Majesty's Ministers, or that they could, without a total loss of character, resort to any expedient for shaking it off; but is there any essential difference between such ignominious inconsistency and the annual reiteration of the Machiavelian farce of postponing the question until the fag-end of the Session, when most of the Members of both Houses are out of town, out of health, or out of patience; so that discomfiture may be instantly succeeded and palliated by a convenient prorogation of Parliament—a discomfiture, permit me to observe, which his Majesty's Ministers endure with philosophic equanimity, and indeed with a display of every virtue under heaven, except that of a becoming resignation. But their design manifestly is to make the two ends of the Session meet as soon as possible, so as to secure to themselves the disbursement of the loaves and fishes during the recess. Notwithstanding the late plentiful harvest of mitres, more bishoprics may be dropping in, judicial situations may become vacant, the monthly obituary of general officers is usually most prolific during the autumn; in this way, it is more than probable that the gaping mouths of many Ultra-Whig Cerberuses, whether lay or clerical, legal or military, may be stopped, or rather sopped, before Parliament meets again. Never were Utopian simpletons more palpably the dupes of their own credulity than those who fondly imagined that the age of influence, like that of chivalry, is past; that the era of economists and calculators had succeeded, and that the glory of patronage was extinguished for ever. Why, Sir, the very system is openly avowed to be one of the principal engines for maintaining Ministers in office. There never was a period in our history, when offices of every description were so eagerly grasped and so tenaciously monopolized by those who subscribed to all the articles of a certain political creed, and when the decisions of the Government in this department were watched by jealous supporters with such lively and lynx-eyed vigilance. It is become almost a *sine qua non* even for admission into the magistracy, that every candidate should be faithful, and bear true allegiance to his Majesty's Ministers, as well as to his *Majesty* himself. It must, however, be admitted, that with regard to the distribution of official patronage, his Majesty's Ministers, though much to be blamed, are, perhaps, still more to be pitied. There are amongst them some who, if left to themselves, are not indisposed to be liberal, in the old and obsolete acceptation of the term—that is to say, not harsh, not unkind, not ungenerous, not exclusive; but they are in a state of abject and ignominious vassalage to imperious and importunate partisans: and, above all, to a ruthless and rapacious press, without whose countenance and co-operation neither their places nor their popularity would be worth a fortnight's purchase. Of them it may be said, as of the Jews in Egypt, that their lives are made bitter by hard bondage. The grasping greediness of their satellites out of doors is become a by-word and a reproach in every district throughout the empire. They are beset, besieged, and bullied, by a countless legion of hornets, harpies, and horse-leeches, vociferating without intermission, not only, "Give, give to us," but "Take away, take away from every one besides." If the power of these inquisitorial autocrats were commensurate with their vindictive avidity, they would, without ceremony, distinction, or remorse, rend the coif from every Tory judge, and snatch the mitre from every Tory bishop, and cashier every Tory Lord-lieutenant, and dismiss every Tory public functionary, however blameless his conduct, however amiable his character, however eminent his deserts, however moderate his political opinions. If a war were to break out, his Majesty's Ministers could not venture to intrust the command of an army to so incorrigible a Tory as the Duke of Wellington. Had Lord Nelson been spared to his country until now, and possessed Conservative politics, it would have been an act of high treason against the exclusive spirit of ultra Whiggism out of doors, and as much as their places were worth to have placed him at the head of a fleet—for, if we may judge from the sentiments embodied in sundry Ministerial publications, there are not a few politicians in this country, whose zeal outstrips their patriotism, and who would rather that a British squadron were defeated under a Radical commander, than that a Conservative admiral achieved a triumph. The public mind, however, cannot long be deluded by the flimsy pretensions of pseudo patriots. We know that selfishness is the banner under which they subsist, and that slander is the garbage upon which they luxuriate. But no candid or well-regulated mind can remember without honest indignation the foul and atrocious aspersions with which his right hon. Friend, the Member for Tamworth, was assailed by reckless libellers during his brief but brilliant career as Prime Minister of the empire. He was told that no man regretted so much as he did the necessity of being virtuous; that he ought, by a timely retirement, to save the wreck of his former character. To the eager partisans of revolution throughout the realm it was announced, with ferocious exultation, that not only his physical strength, but his mental energy, was sinking under an accumulated weight of solicitude and responsibility. And this, forsooth, was proclaimed, as a cause for natural gratulation, with respect to the very individual who, a few weeks thereafter, on his lamented and ominous retirement from office, was not only honoured by hundreds of thousands of his disinterested and intelligent countrymen with the loudest and most unequivocal assurances of their confidence and gratitude, but has since had what some would account the honour, but what he, perhaps, deemed the misfortune, to be eulogised and quoted as an authority by his Majesty's Ministers themselves. I would observe, in conclusion, that a great majority of the religious, enlightened, and wealthy classes, view the intentions of his Majesty's Ministers with alarm, and their principles with disapprobation. They long to see a Government formed under the auspices of my right hon. Friend, the Member for Tamworth, and my noble Friend, the Member for Lancashire—a Government which, whilst zealously engaged in temperately reforming all abuses, would at the same time maintain the institutions of the country inviolate and unimpaired. I do believe that if any member of the present Cabinet had been assured a few years ago that he would be concerned in some of the measures now in progress, and that the ablest and most indispensable of its supporters would gravely enrol in the books a notice for reforming, or rather for degrading, the House of Lords, he would have exclaimed, like Hazael, when told by the prophet that he would perpetrate a crime of which he at that time deemed himself incapable, "Is thy servant a dog, that he should do this thing?" To what still more desperate extremities they hereafter may be urged to proceed in the headlong career of their ambition, I shall not attempt to prognosticate; but, in my humble judgment, the whole system of their present policy, both foreign and domestic, is much more calculated to prevent, than competent to promote, "the advancement of God's glory, the good of his church, the safety, honour, and welfare of our Sovereign and his dominions."

The House went into Committee on the Bill.

On Clause 50, enacting the appointment of the Ecclesiastical Committee of the Privy Council,

Lord *Mahon* said, Sir, the preceding clauses of this Bill are of such a nature that, discussed in a spirit of fair and mutual concession, they might be probably adjusted to the satisfaction of both parties. But the Committee has now arrived at a point of principle, and, on the fullest and calmest consideration I have been able to give it, and with the most anxious wish to see this question settled, these dissensions appeased,—I must say that the question of the inalienability of Church property is one that admits of no compromise, of no concession. On this principle, therefore, do we take our stand; and on this do I feel myself bound to move, that this, and the following clause, be omitted from the Bill. Sir, in the course of these discussions the arguments of those who advocate a diversion from the revenues of the Irish Church, may, I think, be classed under two heads. It has been alleged by some, that the Irish Church establishment is, or has been, so negligent and inattentive to the duties connected with it, that it does not deserve the same consideration as the Church of England. Others, without having recourse to these attacks, rest their objection solely on the great disproportion of numbers between the Protestant followers of that Church, and the Roman Catholic population. I think that all the arguments we have heard belong to one or the other of these two. Now, with regard to the first, I am not prepared to assert, that the Church of Ireland has been at all times free from blame; I fear that, on the contrary, if we look to earlier periods, we shall find that serious charges of negligence and remissness could, with justice, have been brought against it; and I derive this opinion, not merely from the positive testimonies which have been alleged to that effect, but from the following consideration. In common with a great majority of this House, I believe that the cause of the Protestant religion is the cause of truth. I believe, also, that the people of Ireland are fully as intelligent and acute as the people of Great Britain. To what cause then, can I ascribe the slow diffusion of what I believe to be the truth amongst a people which I know to be intelligent, whilst the same truth has so triumphantly prevailed in England and in Scotland? Why, Sir, I am driven,—reluctantly driven,—to the belief that the cause must be ascribed in some degree, at least, to the negligence and inefficiency at that time of the Irish Church Establishment.

But, Sir, is this the case now? Were the causes of this inefficiency of a temporary or a permanent nature, may not this inefficiency be traced most clearly as a natural effect of the old penal laws, under which the Roman Catholics suffered? Those unhappy Statutes set up an insuperable barrier between the Protestant and Roman Catholic population of that country—bound together the Catholics by the common tie of persecution, and checked the Protestant clergy in all their attempts to gain the confidence and love of their parishioners. Can we wonder, then,—I put it in candour to the honourable Gentlemen opposite,—that, in many cases, the Protestant clergy should have been discouraged and disheartened—have flagged in exertions which they have always found unavailing, and too frequently forsook the benefices, where they found themselves the objects of popular ill will? In like manner, as the conversion of Connaught and Munster was checked in the 16th and 17th centuries, by the lawless habits and separate language of the people; so in the 18th century, it was prevented by the penal laws, which only irritated and estranged those whom it was intended to restrain. Such, Sir, was the cause, and such was the effect; and it will be found, that in the same proportion as the cause has been removed, the effect has ceased. In the same proportion as these laws have fallen one by one, before the rising spirit of the age—before the benevolent efforts of such men as Mr. Burke—in that very same proportion have the Protestant clergy become more constant in their residence, more assiduous in their cares, more eminent in every acquirement, that can add lustre to their sacred office. I am firmly persuaded, that there does not now exist upon the earth a body of clergy more pious—more irreproachable—more eminent, both for virtue and learning, than the suffering

Church of Ireland. Any honourable Member who thinks that he ought to deal with it as with a corrupt church, would, I am convinced, be legislating for the past and not for the present. This is frequently the case—the cry against an abuse continues long after the abuse itself has been removed. The cry continues—it becomes triumphant—and then it happens that the innocent suffer for the guilty! Any legislation which you would carry on in this spirit against the Irish Church, amounts to this:—That an excellent and irreproachable clergyman, in 1836, is to suffer, because his predecessors some sixty years ago happened to be careless! I believe, from all the information I have heard, that if any honourable Member will look at the Irish clergy with the spirit of a juror, and with a determination to do justice, he will, at the close of his inquiry, with his hand upon his heart, bring in a verdict of "Not Guilty."

But then, Sir, I come to the second point. Say some persons, the grievance we complain of is independent of the conduct of the Irish clergy; it rests on the anomaly as to the great proportion of the Catholic population. There are less than 1,000,000 of the Established Church; there are above 6,000,000 of Roman Catholics; and this they urge is a monstrous anomaly. Why, in the first place, let me ask, how far is this consistent with the demand for perfect assimilation between the two countries? Have we already forgot the debate on the Corporation Bill? How many days is it since the walls of this House rang with the indignant outcry that Ireland should be treated precisely on the same principles as Devonshire or Yorkshire? Now, then, let me put this case: supposing some parish in Yorkshire or Devonshire, in which the majority of inhabitants are Dissenters; and that they should call, on that ground, for a division of Church property, how would such a demand be received by the House or by the country? Would the House think of admitting such a claim? Now, then, if Ireland is to be governed in all respects as an integral part of Great Britain, we must consider not merely the 6,000,000 of Catholics in the former, but the 16,000,000 of Protestants in the latter, and establish a church for the majority of the whole. Is not this fairly following out your own principle? Or do you think it reasonable to assert a principle just so far as may suit your purpose, and quietly discard it the moment it has served your turn? But, Sir, I do not meet the question on this ground. I, for one, do not maintain the fantastic notion of perfect assimilation. I am not a political Procrustes; my object is to legislate for the good and happiness of the people; and if any portion of the people be in a peculiar situation, I am not to be deterred by any cant of assimilation from legislating for that portion in a different manner. Well, then, I take the case as to Ireland only. I am told that it is a great anomaly to have a Church of 1,500,000 of Protestants established amongst 6,000,000 of Catholics. I admit that it is an anomaly; but let me ask, does the Bill, does the Appropriation Clause, now before us, remove, or attempt to remove that anomaly? Not at all. Your clause goes to take away a part of the revenues of the Church, but the anomaly consists in the existence of an Established Church at all under such circumstances. If your objection means anything, it means this—not that the superstructure is too rich, but that the foundation is unsound. Are you, then, prepared to root out the Protestant Establishment in Ireland? Why, if I were even to ask the question of the right hon. Gentlemen opposite, they would resent it as a positive insult, and most properly declare themselves determined to maintain the existence of that Establishment as firmly as ourselves. Why, then, Sir, is it honourable—is it statesman-like, to declare that to be an abuse which you yourselves admit it is just and necessary to maintain? I admit that the Church of Ireland is an anomaly,—I utterly deny that it is an abuse. As long as I have a seat in this House, I shall protest against the tendency of the present times to confound together the two ideas of anomaly and abuse—of alteration and amendment. There are many and great anomalies that are not abuses:—for example, property itself—that institution for which all other institutions may be said to exist, and which is the foundation of all society,—even property is liable to very great anomalies. Can there be a grosser anomaly, in theory, than that one man, perhaps of the worst character, should revel upon 50,000 acres, whilst another man, perhaps of the highest merit, has not a hovel wherein to lay his head? Yet, in practice, does any man propose to interfere with property, and correct those anomalies? The Throne also, or the Peerage—for they both depend on the same principle, that is, hereditary right to a portion of authority—may often lead to anomalies, from the character of any one to whom that authority descends. But are the Throne or Peerage, therefore to be called abuses? Thus, also, the Irish Church is an anomaly, but not an abuse; and depend upon it that, in spite of any apparent anomaly, the British Constitution confers such solid benefits and maintains such equal rights, that we need fear no attack against it, and that I am persuaded it will rise victorious over both its open enemies and its hollow friends. How, then, is the anomaly of the Protestant Church in Ireland to be dealt with? I answer, that it may be greatly alleviated, and almost entirely removed, by a system of commutation of tithes, avoiding any appropriation of its revenue from its present purposes. For let it be observed, that the landed property of Ireland belongs to Protestants in even a much greater proportion than the population belongs to Roman Catholics. I have heard it confidently and, I believe, truly stated, that nineteen-twentieths of the land are in the possession of Protestants. Now, then, if you throw the payment of tithes upon this land, and remove it from the occupying tenant, do you not go a very great way in removing the alleged anomaly? At least, I will assert, that this arrangement is infinitely more free from anomaly than any other which you could devise for religious establishment under this state of things.

I will refrain from entering, exhausted as the House must be on the subject, into the statistical calculations connected with this clause. I could do little more than repeat the statements contained in the clear and admirable speech of the noble Lord, the Member for North Lancashire (Lord Stanley) on the second reading,—a speech, combining, in so great a degree, the most accurate calculations with the most brilliant eloquence. On that speech I take my stand. I rely upon it for the proof of the fact, that there is no surplus; or, that if a surplus be wrung from the Protestant Church, it must be so, by oppression and injustice; and that the revenues of the Church are not more than sufficient for the decent maintenance of its ministers. There are to be only 1250 benefices—this is what is proposed, and this, it is said, is an overgrown establishment. Yet, if we take no account at all of the Roman Catholics and Presbyterians, each incumbent would still, on an average, have the care of above 700 persons of the Established Church, and these, too, scattered over a most extensive tract of country; and how, under such circumstances, even from the extremity of party spirit, there can be a taunt of a sinecure Church, I own, I find it difficult to understand: however, I repeat it, I will avoid entering again into these details; but I wish to say one word with respect to a subject which is often thrown in our teeth, and which I think has not been sufficiently noticed on this side. I mean the religious system of Prussia. I believe that it was this foreign analogy which chiefly weighed with many worthy and respectable men,—more especially with one of my earliest and most valued friends, who I am sure, neither on this or any other subject gives his vote on any but most conscientious grounds, the hon. Member for Berkshire (Mr. Pusey). Now, with respect to Prussia, there is a Report ably drawn up by Mr. Lewis, and presented to this House under, I must say, rather suspicious circumstances, and leading to the belief that some Members, at least, of his Majesty's Government do not think the Prussian system without application to the state of Ireland. Now the practical question is, how, in the Prussian system of co-equal establishment for both persuasions, religious peace and civil quiet can be in any degree obtained? Why, if hon. Gentlemen will look to the Report, they will find that they are obtained by the absence of freedom, and that the Prussian Government calls its political despotism in aid of its vaunted religious impartiality. In the 7th page of the Report, I find these words:—

> "Proselytism, or inducing a person to change his religious faith by force or persuasion, is specially prohibited by law. Controversial sermons are forbidden by law, and are punished by a fixed term of imprisonment."

Now, then, here you have the article, but what say you to the price? Are you willing to subvert the Irish Church at the expense of subverting also the British Constitution? Would the Prussian regulations be considered acceptable in this country? What would you say, here, where the press is as free as air, and the fullest licence given to every controversy, if you saw a Protestant clergyman dragged to prison for preaching against what he believes the errors of Popery? Or, take the opposite case, which I am just as ready to put. Do you wish to see imprisonment the noble Viscount at the head of his Majesty's Government had been in accordance with these sentiments to which he had just referred or not. He apprehended that the instance his noble Friend (Lord Wharncliffe) had quoted respecting the progress and origin of the Bill then before the House, and his allusion to the shape in which it had been originally framed, introduced, and adopted by the House of Commons, were perfectly justifiable on the part of his noble Friend, for he was thereby professing his intention of bringing back the Bill to that state in which the colleagues of the Ministry had approved of it; and, however they might have deferred to the House of Commons in the adoption of the amendments that had been afterwards made in the Bill, it was neither unbecoming or unexampled in those who thought it unfitting to admit these amendments into the Bill, to quote the authority of the Government themselves, by referring to a measure that had been introduced by them, and to the labours of a Committee of the House of Commons in the two successive Parliaments, who had produced it to that House, and recommended it to the Government, who accordingly had adopted it. That was simply the course which had been pursued by his noble Friend. It was in that sense he had alluded to and quoted the authority and sanction of the Government, as a just recommendation of the proposition he was about to make to the House. He would not follow his noble Friend through the other topics of his speech, because he did not deem it wise to quote expressions of individuals, or to refer to what had fallen from Members of the other House of Parliament, respecting measures they might have either supported or opposed; but he had heard at no distant time the expressions of individuals in that House quoted as proofs of misconduct, and made the ground of charging their Lordships, as a legislative body, with having acted contumeliously and insultingly towards the Commons House of Parliament, because they exercised their unquestionable right in dealing with certain measures and propositions which had been submitted for their consideration. At first it had not been stated, that their conduct was objectionable, the objection having been confined to the expressions of individuals in their Lordships' House; and yet those expressions which had been used in the freedom of debate, which at the time had been unquestioned, unobserved upon, and unarraigned, were afterwards used as a taunt, and constructed into a charge against that House of having contumeliously insulted the other branch of the Legislature. This, at least, was not in accordance with the expressions which had fallen from the noble Baron opposite. If there was one expression which he deemed more fitting than another to hail as coming from a Minister of the Crown, it was that expression of the noble Baron's, in which he declaimed upon the importance and necessity of maintaining a good correspondence between the separate branches of the Legislature, each treating the other with that respect which was due to both; for, if properly maintained, they would not have a Minister of the Crown, after assenting to a great and important measure, throwing obstacles in the way of its adoption. But in other times they should have had Ministers who would have concurred in the proposed amendments, and allowed the Bill to pass from that to the House of Commons with their sanction, expressing their regret that they had been controlled by the sense of the other House of Parliament, or recommending to that House, for the sake of harmony and good feeling, to meet the proposition of the Commons in the spirit of conciliation and mutual good will, instead of calling upon the other House of Parliament not to lose six days, not to lose six hours, nay, not to lose six minutes, in the rejecting a proposition to which he (the speaker himself) had been a party. So far from his wishing to meet the proposition, he was himself the very first to raise the standard of rejection, and then let it go forth that they were insisting on what he could not give his consent to. He would not have made any observation upon this subject were it not for the lecture which the noble Baron had treated them to, and the rebuke he had been pleased to apply to his noble Friend, he must say not quite fairly; and also for the purpose of expressing the satisfaction he felt at hearing the sentence with which the noble Baron concluded, as well as to declare his participation in the sentiments it contained—sentiments which he was sure would meet with the approbation of at least the majority of their Lordships.

The *Lord Chancellor* supported the clause, and said that the evils resulting from the inconsistent decisions of 170 Revising Barristers were seriously felt, and required to be remedied, and the plan proposed by the clause was calculated to obviate them. He apprehended that the noble Lord would not deny the existence of those evils. Nay, the very proposition of the noble Lord assumed, that there was something which required correction, for he proposed that all the questions arising out of the decisions of the Revising Barristers should be referred to the judges of the land—that was to say, that the right of voting for Members of the House of Commons should be referred to the judges. [Lord *Abinger:* and why not?] Why not! Because it was a direct political question. [Lord *Abinger:* It was a question of law.] So were all questions of political franchise questions of law in one respect; but were they not questions also of politics? From whom were the judges to take their law? Would it not be from the Committees of the House of Commons, who, after all, would have a paramount jurisdiction? Was this a task which the judges ought to be required to perform? To refer to them questions involving the interests of political parties was most objectionable in principle; for, decide as they might, it would subject them to the reproaches of one party or the other. It had been objected that the new Revising Barristers were required to abandon their professional pursuits at the bar. He saw no ground for that objection. The experiment had been already tried with respect to the Commissioners of Bankrupts, and it had succeeded. Besides, the barristers would have ample employment, so that if they were not required by this Bill to confine themselves to their own especial duties, yet, in point of fact, they would not have time to practise at the bar. Then the evil of contradictory decisions, which, under the new system, would, no doubt, occasionally happen, was provided for by having a court of appeal. What could be more wholesome or convenient than the establishment of a Central Court in London, to which all the various decisions of the barristers might be referred? The noble and learned Lord concluded by saying, that the proposition of Lord Wharncliffe admitted, that the present system required a remedy; but he trusted their Lordships would feel, that the proposition itself was objectionable in principle and ought not to be adopted.

Lord *Abinger* said, that his noble and learned Friend had assumed that the judges could have no jurisdiction over the right of voting for a Member of the House of Commons. [The *Lord Chancellor, No, no.*] He was glad to hear that disclaimer, as his noble and learned Friend must remember the decision in the case of Ashby and White, which the House of Lords confirmed, by which it was decided that the question of a right of voting was a proper question to be tried at law. His noble and learned Friend said, that it would place the judges in a delicate position to determine the right of voting: but why should he suppose that the judges would be affected by political motives, because the question they were trying concerned political men? The question the judges would have to try was a question of law only, of which they must necessarily be the most competent judges. His noble and learned Friend had said, that the decisions of the judges would be guided by the decisions of the Committees of the House of Commons. For his part, he had never known any judge receive, as authority, any decision of a Committee of the House of Commons; he had never heard any such decision quoted, or any such citation encouraged. He had always understood it to be the opinion of the most sensible, learned, and constitutional men, that it would be desirable to have a separate tribunal to decide the difficult questions arising out of the decisions of the Committees of the House of Commons. He did not approve of the system of registration, but the true objection against that system was the urging on of registration after registration every year without any interruption. The proper course to adopt would be to have the voters once registered by the overseers, and then allow them to remain on the register till a certain period had elapsed, when the registration might again take place. But this perpetual registration year after year kept the country in a state of excitement most injurious to the quiet and peace of society. He had always thought that the present system of registration never could succeed by the means of any machinery that could be adopted. With respect to the differences of opinion amongst the Revising Barristers, nobody knew better than his noble and learned Friend that differences of opinion among professional men became the subject of constant conversation among themselves, and that, at last, the better opinion prevailed. Many contradictory decisions had already become settled; and he was satisfied that the differences of opinion would diminish every year, and that, as the experience of the barristers increased, their decisions would finally become uniform. With respect to the appointment of the Revising Barristers, he disclaimed anything like patronage. He was not aware of any change having been made except in cases of resignation or death. On the home circuit he had not made a single change, and the only new appointments made were to supply vacancies occasioned by death. He believed his predecessor had acted upon the same rule; and all the appointments were originally made by Lord Denman. If there were any mode by which more uniform decisions might be obtained, it was that which his noble Friend had suggested, namely, that written cases should b prepared by the barristers where any question of doubt arose, and these cases submitted to the judges. He was quite convinced, that after a year or two such cases would be very few indeed; but when such questions arose, why should the judges be supposed to know for what candidate or for what party, the persons whose votes were in question were going to vote? If any person should have the audacity to tell the judge, "Your Lordships will have the goodness to consider, that if this register be decided so and so, it will be favourable to so and so," would any judge submit to it? He had not, therefore, the least doubt that the plan of his noble Friend would be most efficient, and he did not believe that twenty cases in a year would be brought before the judges after the first year. Another objection to having this tribunal was, that as the barristers would have nothing else to do for a great part of their time, in the course of a short time they would not be competent to do even that; they would lose all their connection with the profession to which they belonged, and would, by confining their views to one class of cases, have their attention so narrowed, that they would lose all knowledge of general questions of law. He therefore thought, that upon principle they would constitute the most objectionable tribunal that could be established.

The Committee divided on the amendment.

Contents 57; Not-Contents 21: majority 36.

List of the Not-Contents.

Lord Chancellor

DUKES.

Leinster

Argyll

MARQUESSES.

Lansdowne

Headfort

Queensberry

EARLS.

Minto

Scarborough

Leitrim

Ilchester

Albemarle

Sefton

VISCOUNTS.

Melbourne

Duncannon

BARONS.

Mostyn

Ducie

Say and Sele

Hatherton

Holland

Langdale

BISHOP.

Bristol

Amendment agreed to.

Lord *Wharncliffe* proposed a clause, the object of which was, to prevent persons possessing property in a borough from voting both for borough members and knights of the shire. He had proposed a similar clause in the Reform Bill, and he believed the framers of the Bill intended this by the 25th Clause of that Bill.

Viscount *Melbourne* said, that the question was not what the intention of the framers of the Reform Bill had been, but what the Legislature had enacted. If any doubt should arise, let it be settled by the new tribunal that was intended to be enacted. He opposed the clause, on the ground that it went to destroy the balance of interests settled by the Reform Bill.

The Committee divided on the motion:—Contents 54; Not-Contents 20: Majority 34.

List of the Not-Contents.

The Lord Chancellor

DUKES.

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BISHOP.

Bristol

Clause inserted.

The Bill went through the Committee.

The House resumed, Bill to be reported.

HOUSE OF COMMONS,

Friday, August 12, 1836.

Minutes.] Bills. Read a third time:—Creditors (Scotland); Militia Pay.

Petitions presented. By Mr. Arthur Trevor, from a Joint-Stock Bank at Dudley and Bromwich, for requiring from Private Banks returns of their Liabilities and Assets. —By Mr. Kemp, from various places, against Factories Act.—By Mr. F. Shaw, from Dublin, for restricting Donnybrook Fair to One Day.—By Viscount PALMERSTON, from the Baptists of Milford, for Abolition of Church Rates.—By Mr. POULETT THOMSON, from Inverness, against Gold and Silver Plate (Scotland) Bill.

STAMP DUTIES.] Mr. Baring moved the Order of the Day for the second reading of the Consolidated Fund Bill.

Mr. *Walter* was under the necessity of calling the attention of the House to the matter of which he had given notice, in consequence of an occurrence which had taken place yesterday. He had come down to the House yesterday at half-past four o'clock, the usual hour of commencing public business, in order to address a few words to the House on the Stamp Bill, then a second time on its passage through Parliament. He then found, to his utter surprise, that the second reading, the Committee, the third reading, had all been passed *per saltum*, and that many Members, who were present, were as ignorant as he himself had been, that the Bill was to be proceeded with in so summary a manner. Now, though it had been understood the night before that the usual formalities were to be dispensed with, it did not from thence follow that an opportunity was not to be afforded to hon. Members to make such suggestions as seemed good to them upon the Bill. On the Bill, as it was now passed, it was of course too late for him to say a word; but he would put it to the justice of the House, whether it would suffer the grossest personal reflections to be cast elsewhere upon its Members, and then stop their mouths, if they attempted to reply, or even to explain. He did not intend yesterday, nor did he intend that day, to take any credit to himself for the suggestion which he had made in that House on the night when the former Stamp Bill was passed. He conceived, however, that in consequence of that suggestion he had been personally attacked elsewhere, and that much obloquy had been cast on him, which he hoped the House would allow him on this occasion briefly to repel. He could only gather the expressions used from report; but from such report, the person using them appeared to insinuate that the operation of that most unjust clause, which was at present excluded from the Bill, might perhaps have been "either the impeachment of his (Mr. Walter's) veracity, or the giving some pain to his vanity," by the discovery of his being connected with the press. Now, he would say, with respect to such impeachment of his veracity—if such imputation were intended—that it was itself a falsehood. No discovery could be made which would impeach his veracity; on the contrary, if inquiry were made in the spirit of truth, it would only tend to disclose the utter ignorance of him who sought to impeach it. It could not have injured his vanity, for he had never concealed, he had never disavowed the fact, of his having once conducted the public journal which had not unfrequently been alluded to in that House: on the contrary, he felt then as he felt now, proud of such an application of those talents, be they more or less, which God had given him. The same personage had also spoken of his humble origin. He thought that that personage, before he made such an allusion, should have turned his eyes back to the founder of his own family. That individual was, he believed, a humble practitioner in the law. He also believed that, from the time of the first founder of the family to the present day, no member of his race had been distinguished for any merit of any kind until his Majesty had unfortunately called to his councils the individual who was now considered as the head of the Government. If, however, the secrecy of the private life of public men was to be invaded and laid open to the world, he suspected that it would appear—to retort the courteous language which had been applied to himself—that the noble Viscount (Lord Melbourne) had been the more foolish fellow of the two. It would be, of course, as absurd as it would be unbecoming in him to attempt to conceal from the House that, though he believed that the proposition embodied in his motion would be a great convenience to hon. Members, his object in making it was chiefly to create an opportunity of noticing a matter that was personal to himself. The hon. Member concluded by thanking the House for the attention with which it had heard him.

Question again put.

JAVA.] Mr. *Patrick Stewart* rose to move as an amendment, that the petition presented on the 27th of June respecting the duties imposed on British manufactures on their importation into Java, be taken into consideration. That petition, the hon. Member said, was one of great importance to the commercial and manufacturing interests of this country. It had been signed by all the principal manufacturers and merchants in Glasgow, and if there had been time it would have received an equal number of signatures from the same respectable and influential class in this country. It related to the conduct of the Dutch Government since its re-occupation of Java, which was ceded to it by this country in 1814. The petitioners stated, that the Dutch Government had violated every stipulation of the treaty which it had made with this country relating to the duties to be levied on British goods imported into Java; that such conduct was derogatory to the rights and power of the Crown of Great Britain, and that it was flagrantly unjust towards the British merchants, and the petitioners concluded by praying the House to address the Crown to take steps to induce the Dutch to do justice to this country in this regard. The duty imposed in 1816 was 6 per cent. on Dutch goods, and 8 per cent. on the goods of other nations. In 1818 the duty was raised to 8 per cent. on Dutch goods, and 16 per cent. on those of other countries. But notwithstanding this high duty, the English manufactures still kept the lead in the import trade of Java. In 1820, however, the Dutch Government, for the purpose of confining the trade if possible, to its own manufactures, took off the whole of the duty on Dutch goods, while it continued that of 16 per cent. on the goods of other countries; still, in spite of this heavy duty, two-thirds of the colonial trade of Java remained in the hands of the English. In 1824 the Dutch governor issued a proclamation raising the duty on British goods to 24 per cent., while the Dutch remained free of all duty, and enforcing that duty against goods that had been already imported from England, and were in the warehouses in Java. Immediately after that event came the treaty between the two countries, of the gross violation of which on the part of Holland, the petitioners, in common with all the merchants and manufacturers of this country, complained. A mere reference to that treaty would shew, that it went directly to establish the principles of free trade. That treaty provided, that no nation should pay more than double the duty imposed on the goods of the nation to which the port belonged, and that where there was no duty on the goods of the nation to which the port belonged, the duty on the goods of other nations should be only 6 per cent. The only exception made in the treaty "from the general stipulations of freedom of trade," to use the words of the plenipotentiaries on both sides, of whom Mr. Canning was one, and the Baron Fagel another, was that of the trade to the Molucca or Spice Islands. To prove to the House what was the object of the treaty, and the principle on which it proceeded, he would just read the following extracts from the speech of Mr. Canning on the discussion on the East India Possessions Bill, in June 1824. Mr. Canning then said, that the chief complaint against the Netherlands Government was, that it acted on the principle of exclusive trade. The first step, therefore, which he had taken in the negotiations, from which the Bill before the House proceeded, was, to obtain a disavowal of that principle on the part of the Netherlands Government. It was not, to be sure, usual in diplomacy to frame treaties for the purpose of recording principles, but as in the present case it was the only point at issue, it was done. * * * The objects, then, which it was proposed to attain by the treaty were, first, the recognition of the principles of free trade; secondly, the acquisition of Sincapore, and the ridding the Dutch of their possessions on the continent of India, and consequently of removing those grounds of irritation which would have existed so long as the Dutch possessions had remained intermixed with ours. Every one of those objects had been attained by the treaty."* Now, he only called on the present Government to vindicate these principles of free trade in the negotiations going on at present with the Dutch Government. For the last twelve years the evils of which the petitioners complained — the gross violation of a treaty to which they referred —had existed, and the Government of England had neglected the interests of its subjects. The noble Lord, the Secretary for Foreign Affairs, had at length manfully taken up the matter, and the noble Lord would, no doubt, inform the House how far the negotiation with the Dutch Government on the subject had proceeded, and what prospect there was of their ultimate success. There never was, he (Mr. Stewart) would contend, a more blind proceeding— a proceeding more fraught with injury and more fatal to the colonial wealth and manufacturing interests of this country—than the cession on its part of the finest country in the world, the Island of Java, to the Dutch. But having generously given it up, Great Britain at all events should not be deprived of the advantages that it had then stipulated for. At one time the Dutch, with a view to encourage their shipping, held that the right interpretation of the treaty was, that the flag should regulate the duty; at another period, to encourage their own manufactures, they held that the origin of the goods should be the regulating principle, and at length they endeavoured to exclude British goods altogether. The hon. Member for Glasgow had presented a petition from Sincapore, complaining of the state of trade in consequence of this conduct of the Dutch, and he (Mr. Stewart) had himself received a great many communications from Java, Sincapore, &c., to the same effect. One distinguished individual well acquainted with Java, and from whom a letter had reached him only that morning, stated that the duty actually levied there on British goods amounted to thirty-five or forty per cent. He trusted that they would not be simply told by the noble Lord that the matter was in process of settlement, unless his right hon. Friend would follow up that statement by declaring his determination to vindicate the rights of this country and the commercial interests of the subjects of this realm. He hoped also that his right hon. Friend would not say that the state of the trade carried on between Java and some of our eastern possessions was any excuse for the violation of this treaty. If the flag was to be the regulating principle, the duty on foreign goods imported into Java should be only double that levied on Dutch goods. He trusted that his right hon. Friend would say that justice would be done this country in this matter for the future, and that compensation would be given for the past. The hon. Member concluded by making his motion.

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* Hansard (New Series), vol. xi. p. 1444, 1445.

Viscount *Palmerston* said, that his hon. Friend had undoubtedly called the attention of the House to a very serious grievance which this country suffered by reason of the conduct of the Dutch Government, and it could not be denied that for a long course of years the Dutch Government had most distinctly violated the stipulations of a solemn treaty which it had contracted with Great Britain. His hon. Friend having so clearly explained in what that violation consisted, he (Lord Palmerston) would not take up the time of the House by recapitulating the points of it. He would content himself with saying that his hon. Friend had justly and truly stated, that whereas, by treaty, all articles imported into Java by British subjects and in British ships were to have a duty imposed on them double that imposed on similar goods imported by Dutch subjects and in Dutch ships, the Duties that had really been levied on English goods were far higher than those authorised by the provisions of the treaty; and that in other cases, where Dutch goods were imported free of duty, and where it was provided by the treaty that a duty of six per cent. only should be levied on similar goods imported by British subjects, a far higher duty had been exacted by the Dutch government. The subject had been discussed between the British Government and that of Holland for several years, and his hon. Friend was therefore entitled to come to that House and require some explanation from His Majesty's Government, so as to satisfy the country that there was at length a fair prospect of this matter being brought to a termination, and that the time had not arrived when it would be fit for that House to interpose by an address to the Crown. He (Lord Palmerston) thought he should be able to satisfy his hon. Friend that, for the present at least, no step was required to be taken in the matter by that House, for, though for a long time the Dutch Government had denied some of the facts contained in the representations made by the Government of this country, and though it had interposed many difficulties in the way of affording the redress sought, yet he (Lord Palmerston) believed that he was now in a position to state to his hon. Friend that a disposition had been manifested by the Dutch Government to do justice in the matter. For a long time that Government denied that there was the difference complained of in the duties levied in Java. But proofs having been obtained by the British Government that such duties were levied there, the Dutch Government was at length forced to admit that the practice was contrary to the provisions of the treaty of 1824. They had accordingly issued an edict to render the practice more conformable to the treaty in one respect, by enforcing the proportion of duty regulated by the treaty—that was to say, that where there was twelve and a-half per cent. duty on Dutch goods, the duty on British should be twenty-five per cent., and that where the Dutch goods were imported free of duty, the duty on corresponding English goods should be only six per cent. There was still one point of difference to be settled between the two Governments. The government of Holland insisted that the criterion of duty should be the nationality of the article imported, whereas the English Government contended that it was the nationality of the merchant and ship that, according to the true interpretation of the treaty, should be the criterion of duty. Whether the one interpretation or the other would be the better one for the commerce and industry of this country was not the question that we had to determine. He was sure that we should have no solid grounds to stand upon in our representations to foreign countries, unless we adhered to the strict interpretation of treaties, for it was only while we did so that we should be justly entitled to enforce our demands where they were denied. Even, therefore, supposing that a concession of the interpretation sought for by the Dutch might be to us in some respects advantageous, we should lose in the long run by being deprived of the high ground we at present occupied, when we insisted on the strict fulfilment of the treaty. He agreed with his hon. Friend that the English Government in restoring to the Dutch the magnificent colony of Java had done an act of splendid national generosity. It had become ours by force of arms during a war carried on with Holland, and at the peace we should have been perfectly justified, if we chose, in retaining it amongst our possessions. His hon. Friend was certainly entitled to say, that the Dutch Government had not shown a due appreciation of the generosity of England, by depriving us for such a long period, of the commercial advantages guaranteed to us by the treaty of 1824. It had often been made a complaint against the Dutch, that they paid too narrow an attention to their own interests, in their intercourse with other nations. When they were our chief rivals in the carrying trade, there were none so loud in insisting on the principles of free commercial policy; and when they became manufacturers, they became the most exclusive of all monopolists. He believed, indeed, that all nations, more or less, pursued their own interests. We were not, therefore, entitled to complain of the Dutch on that score, but we were entitled to complain that they had departed from the engagements of a solemn treaty. He begged to assure his hon. Friend and the House, that his Majesty's Government would continue to press upon the Dutch Government, its interpretation of the treaty. He did not despair that these representations would have their due effect, especially as the Dutch Government had lately shown a more liberal spirit, and he trusted that the issue would be, that the strict terms of the treaty would be enforced. Such being the present state of the case, he was sure that his hon. Friend, and the House, would agree with him in thinking that, it would be departing from the practice of Parliament, and a most inconvenient course for the House to adopt, to interpose, by an address to the Crown, pending negotiations, and without that full knowledge of them, which it would be inconsistent with his duty at present, to lay before it. If the Government should succeed in the present negotiation, it would be terminated in a manner more conformable with those amicable relations which should be preserved between the two countries. If, on the contrary, it should fail in its efforts, it would then be his (Lord Palmerston's) duty to lay before Parliament what had passed in the course of the negotiation, and to ask the consent of the House to such measures as the case demanded. He repeated, however, his expectation, from the mode in which the negotiation had of late been conducted, that the Government of Holland would see that it was its duty to do justice to this country.

Mr. *Hume* said, that a grosser departure from its engagements had never been made by any country, than by Holland, in this case. He foretold in 1824, that such would be the case. When the papers were laid on the table, they would see what had been done. He believed it would be found that very little had been done for our commerce, and he must add his conviction, that the commerce of this country had suffered more by the neglect of its diplomatic agents, than that of any other country whatever. Had this treaty been made with America, there was no doubt she would have insisted on its fulfilment, or she would have made the Dutch feel the consequences. It was a fact, that the

Dutch had been most regardless of the treaties they had entered into with this country. In conclusion, he felt greatly obliged to the hon. Member who called the attention of the House, and the Government to this important question.

Mr. *Robinson* concurred, in much of what had been observed by the hon. Member, who had introduced the subject to the House, and by the hon. Member for Middlesex. It was a fact, that commercial men of this country, were exposed to many hardships and difficulties in many parts of the world, and that the constant vigilance, and active exertions of our diplomatic agents, were necessary for their protection. The magnanimity and generosity of England, in giving up Java at the close of the war, did not stop; she also gave up the right of fishing off Newfoundland to the French, which they now practised to the annoyance of the English. There were many other important matters connected with our commercial relations, which required the diligent inquiries of Government. The merchants of this country did not seek for exclusive privileges, but they had a right to certain advantages, in virtue of treaties, which ought not to be allowed to be infringed.

Sir *John Reid* hoped that the Government, during the recess, would turn their attention to, with a view to redress, many of the grievances which related to our commerce. Complaints had been made at Sincapore and other places, of duties being laid on British goods to which they ought not to have been subjected. He did hope that the attention of Government would be directed to these matters.

Mr. *Patrick Stewart* expressed his satisfaction at the explanation given by the noble Lord, and would not press his motion.

Viscount *Palmerston* said, that the hon. Member for Middlesex seemed to be under the impression, that the commerce of this country was suffering from the neglect or apathy of our diplomatic agents. In that, he could assure the hon. Member that he was mistaken. Half the correspondence which reached his office, from our diplomatic agents abroad, had reference to the commerce of the country.

Amendment withdrawn.

Consolidated Fund Bill read a second time.

BENEFICES PLURALITIES.] Lord *John Russell* (in answer to a remark made by Lord Sandon, which did not reach us) said, that it had been his intention, after the next order of the day was read, to state the course which he intended to take with respect to the above Bill. On the last day that the Bill was before the House, it gave rise to a desultory conversation which had not advanced the measure. Since then he had seen some notices on the subject—one by the hon. Member for Finsbury, on a subject which he had thought had been dropped till the next Session—namely, the revenues of cathedrals. Now, if the Bill was to be discussed in connexion with that and other subjects, he had only the alternative—looking at the state of the other business in the House—either to bring it forward early, and discuss it from day to day, to the great delay of other Bills, and the prolonging of the Session, or to let the other measures take precedence, and, when they should be disposed of, to bring on this at a period in a House too thinly attended to consider a measure of that importance. Under these circumstances, and considering that several hon. Members had already left town, who would, if present, take an active part in the discussion of the measure, he thought he should best consult the convenience of the House, and the due consideration of this Bill on a future occasion, by postponing it to the next Session. He would not then enter into the merits of the Reports of the Church Commissioners, on which this Bill was founded. He would content himself for the present with observing, that the measures recommended in those Reports were efficient measures of Church Reform, and he should be able to maintain that proposition at the proper time.

Subject dropped.

TITHE COMPOSITION (IRELAND).] On the Order of the Day being read for going into Committee on the Tithe Composition (Ireland) Bill,

Mr. *Leader:* I feel bound to oppose this measure, first, on principle, because I consider that all the money advanced ought to be repaid; and next, on points of detail, for, if we cannot get back all the money, we certainly ought to get more than is proposed by the Bill. I trust, therefore, that the House will grant me a hearing for a very few minutes, while I call their attention to the return relating to the million loan. Not many weeks past a return was printed for the use of Members, stating the manner in which the million, voted for the relief of the Irish clergy, had been appropriated. On looking through it I was surprised to see some names which I little expected to find there. This induced me to examine the return minutely in detail. The result of that examination showed, that out of 635,000*l.*, the total amount advanced out of the public purse for arrears of tithe, 393,000*l.* had been advanced to 763 incumbents of parishes, making on an average more than 500*l.* each; 176,000*l.* had been advanced to 375 laymen, who were tithe-owners, making rather less than 500*l.* each; and 65,000*l.* had been advanced to sixty-one dignitaries of the Church, making on an average more than 1,000*l.* each. Having thus stated generally to what class of persons, and in what proportions, this money has been advanced, I must now request hon. Members to call to mind what occurred in this House when the grant of this million was proposed and voted. Though I was not a Member of the House at that period, I remember the impression on the public mind out of the House; and I have also collected from persons who then were Members, and, above all, I have found in the debates on the subject, what was the actual feeling and the real intention of the House when they voted that a million should be advanced out of the public purse for the relief of the tithe-owners in Ireland, who had not been able by ordinary means to obtain payment of their tithes. The general impression on the minds of the Members of this House seems to have been, that the million was to be advanced for the relief of the clergy of the Irish Protestant Church, because they were in so wretched a plight that they could not live without relief of this sort. The House was informed, in accents of the most pathetic commiseration, that the Protestant clergy in Ireland were in a state bordering on starvation—that they had not money enough to procure the common necessaries of life; as to luxuries, they had long since forgotten that such things were to be attained; that their children were compelled to work as common menials, digging potatoes for their wretched subsistence; that they were, in short, so many Established Church martyrs, in a state too miserable, too squalid, too terrible for human nature to endure, or even to contemplate; and that, unless immediate relief were granted to them, these intellectual, highly-educated men—the pillars of the Protestant Church in Ireland—must, most of them, perish amidst intolerable sufferings. All this misery, we were told, arose from the difficulty, the almost impossibility, of collecting tithe; and that, as in many cases, no tithe had been paid for two or three years, those of the clergy who depended solely on their tithe were reduced to a most destitute condition. Such was the picture of the Irish Protestant clergy presented to this House: such was the appeal made to the feelings and the sympathies of Members of Parliament by their suffering fellow-citizens. Can we wonder, then, that, setting aside for a moment all considerations of sound policy, unheeding the voice of reason, they should have suffered themselves to be led away by their feelings of pity—by their generous sympathy with the starving ministers of the Protestant Church, and that, urged on by the promptings of charity, they should have granted immediate relief, from the public purse, in order to alleviate such misery? No; they yielded to their pity for the poor starving clergy, and they voted the million. That this statement fairly represents the case, and the reasons which induced hon. Members to vote for the grant of this million, can be clearly proved from the debates on the subject. The right hon. Baronet, the Member for Tamworth, said, "that in the present destitute condition of the clergy he could not withhold his assent." The hon. Baronet, the Member for the University of Oxford said, "He was prepared to sacrifice everything but principle, in order to afford relief to the clergy in their present unfortunate condition."—The then Chancellor of the Exchequer said, "that the money was for the relief of the clergy, and would be repaid by the clergy." The noble Lord, who is at present Member for Stroud, held the same language. Now, having thus shown the grounds on which the House consented to advance a million, for the relief, namely, of the starving Protestant clergy in Ireland, let us go back for a few moments to the return stating the manner in which the million has been appropriated. There are in the list sixty-one dignitaries of the Irish Church, receiving out of that fund 65,000*l.* Amongst them there is the hon. and very Rev. Joseph Bourke; he received more than 2,590*l.* as incumbent, and 1,700*l.* as lessee, making altogether more than 4,200*l.*; the Archbishop of Cashel received 2,060*l.*; the very Rev. Lord E. Chichester, 2,200*l.*; the Bishop of Clonfert, 1,200*l.*; the Bishop of Cloyne, 3,200*l.*; the Bishop of Ferns, 2,100*l.*; the very Rev. T. Gough, 3,400*l.*; the Bishop of Kildare, 1,800*l.*; the hon. and venerable H. Stopford, 2,400*l.*; and the hon. and venerable C. le Poer Trench, 1,800*l.* Are these the poor miserable starving creatures in whose behalf the feelings of this House and the sympathies of the people were appealed to —not in vain? Again, in the list there are 375 laymen, receiving out of the fund 176,000*l.* I will mention a few of the names in the return. I cannot, of course, have any personal feeling against them; and when I mention the names no man will be able to accuse me of having shown any party predilection in the choice of persons. John Aylmer, Esq., of Caernarvon, North Wales, received 1,400*l.*; W. J. Bourke, Esq., 2,500*l.*; J. Callaghan, Esq., 2,100*l.*; Lord Carew, 1,000*l.*; C. Delmege, Esq., 2,900*l.*; Countess Disart, 240*l.*; Lord de Vesey and the hon. T. Vesey, 1,000*l.*; the Duke of Devonshire, 3,400*l.*; Lord Dillon, 200*l.*; the Earl of Donoughmore, 320*l.*; the Marquess of Downshire, 2,600*l.*; the Earl of Essex, 80*l.*; the hon. Baron Foster, 500*l.*; Sir F. H. Goodricke, 300*l.*; the Marquess of Headfort, 118*l.*; Lord Lismore, 500*l.*; the Earl of Norbury, 280*l.*; the Marquess of Ormonde, 2,400*l.*; the Earl of Shannon, 280*l.*; Lord Southwell, 35*l.*; Cæsar Sutton, Esq., 2,100*l.*; D. Thompson, Esq., 2,700*l.*; R. Weldon, Esq., 2,200*l.*; and the Marquess of Westmeath, 750*l.* Now, I do not accuse one of the persons whose names I have enumerated of having acted improperly in taking their portion out of the million; by the Act they had a clear legal right to demand the money which was advanced to them, though by the 10th section of the Act there is a discretionary power in the Irish Privy Council, as to the payments to be made on applications; but I do ask hon. Members, whether it was the impression—whether it was the desire—whether it was the intention of the House that the money should be so applied? The letter of the Act undoubtedly empowered laymen who possessed tithes and dignitaries of the Church (being incumbents), whether rich or poor, to apply for a portion of the grant; but was that the spirit of the Act? Was not the money really and truly voted by this House for the relief of the poor clergy of the Irish Protestant Church who were represented to be starving—was not the money so voted only or chiefly because they were thought to be starving, and that there were no other means of relieving their misery? If that were the intention of the House, is it not rather surprising that such men should be found profiting by the generosity of the House, and receiving money out of a public grant from the public purse, because the mere letter of the law was in their favour? Will not the people of England be rather disappointed when they find that the money which they thought was to relieve the starving Protestant clergy in Ireland has been, much of it, applied to swell the rent-roll and to increase the vast income of some of the richest men in Great Britain? Will they not be astonished to see noble tithe possessors and great Church dignitaries appearing amongst the claimants for relief, as the fellow-sufferers of the wretched, destitute, and starving Protestant clergy? The noble Lord, who was Chancellor of the Exchequer at the time, was very indignant with an hon. Member who called this measure a " a pious fraud." It must be confessed that the result has shown that the term was not altogether misapplied; for it certainly does appear as if the grant had been obtained from this House under something like " false pretences." Some hon. Members, indeed, declared at the time, without any attempt at concealment or circumlocution, that the money would go to the tithe-owners generally, and would never be repaid; and the hon. Member for Kilkenny even added as a reason that if the people of England were determined to uphold, in defiance of the opposition of the Irish people, an unreformed Protestant Church Establishment in Ireland like the present, they were bound in justice and in common honesty to pay for it. That case is now altered; for the people of England have declared in favour of reforming the Church Establishment in Ireland—the House of Commons has passed more than one Bill to that effect; and the determination to keep the Church Establishment in Ireland without effectual and adequate reform is now maintained by the majority of a certain irresponsible assembly, which holds its meetings not far from this place, in opposition to this House and to the people of this country. Let the people, therefore, now bear in mind that the loss of this million has been entailed upon them, and that much greater loss and trouble will probably be brought upon them by the opposition to reform so obstinately pursued by the majority of that assembly. Having now shown on what grounds the million was advanced to the titheowners of Ireland

—having shown, also, the manner in which it has been appropriated—I wish now to ask the Ministers whether they have really and ultimately determined to insist upon the passing of this Bill, and thereby to remit the payment of the debt to the public incurred by those who have received a portion of the grant, with the trifling exception mentioned in the Bill? If they do so remit the payment, they will be acting in direct violation of the promise made by the Chancellor of the Exchequer (the present Lord Spencer), that the money should certainly be repaid by those to whom it was advanced. In common justice—in common honesty—in accordance with a solemn pledge, the money ought to be repaid. I do not say this year, or next year, or within a short time: let the amount be paid by instalments—spread (if you please) over a long period—say ten or fifteen years; but unless a pledge given to the House and to the public be disregarded as of no weight and of no value, this money must be repaid. It may be said that this sum was advanced to the Irish titheowners to induce them to give up all law proceedings against defaulters in tithepaying, and thereby to prevent civil war: for the House was told by Mr. Littleton (the present Lord Hatherton), that unless some measure of this description was passed, a civil war must rage in Ireland from one end of the country to the other. Well, say, then, that in order to prevent bloodshed, violence, and anarchy—to avoid a sanguinary tithe campaign—the House advanced the million. Now look to Ireland, and say what has been gained. You have paid your million—has it bought peace for Ireland? Your money is gone; but is the cause of your loss—is the evil also gone? No. You are now in as bad a position as you were three years past when you voted the million—you are even worse off, for you are now in a false position—you have given a million as a premium on resistance to law—a bad one, but still a law; instead of altering the law, instead of boldly grappling with the cause of the evil, a temporising policy was adopted, and now the tithe-war rages more fiercely than ever. If a man refuse to pay tithe, he is exchequered by his spiritual friend the Protestant parson—if he pay tithe, he runs the risk of being shot by some of his temporal friends, who have vowed never to pay tithe nor suffer tithe to be paid. A pleasant dilemma! There is another consequence of the forced maintenance of the Established Church in Ireland; but I will not further pursue this most painful topic. I had two objects in troubling the House this evening: one, to call their attention to the return respecting the million; the other, to urge on the Ministers and on the House the absolute necessity, in compliance with good faith, of not pressing the adoption of this Bill, and thereby abandoning the repayment of the million in all but a few cases. In 1833 Mr. Littleton said, "that under all circumstances the public would have as good security as it was possible to give them for the repayment of the money;" and the noble Lord, the Member for North Devon, declared, "that he trusted the spirit of liberality with which this was now granted by the people of England would be met by a corresponding spirit of liberality on the part of the Irish landlords and the people of Ireland, and that the people of this country would not ultimately have to complain of a want of good faith with respect to the repayment of this loan." The case then stands thus—the million was obtained for the relief of the starving clergy in Ireland, but a large portion has been paid to lay titheowners and to rich dignitaries of the Church—it was advanced as a loan, but it is sought now to convert it into a gift—it was to pacify Ireland and to put a stop to the tithe-war; but Ireland is not pacified, and the tithe-war rages as before—it was a sort of set-off against the appropriation clause—a very dear purchase by the way, for a certain assembly will rather perish than pass the appropriation clause. This being the case, I again ask the Government to reconsider their determination to remit the repayment of this money, for which they have got absolutely nothing in return. Now, I trust that hon. Members will not mistake my motive for having urged this subject. It is not merely a desire to effect a saving of a few hundred thousand pounds to the public—it is not that I grudge the money to Ireland, for I would willingly (if just and necessary) join in a much larger vote for the benefit and the relief of that unhappy country, but it is because good faith would be violated by the transaction that I have spoken against it. No man will venture to deny that good faith should, above all things, be observed in all affairs, public as well as private. This money was advanced on the express understanding, and under a distinct pledge, that it should be repaid, and, therefore, without a breach of good faith, this debt to the public cannot be remitted.

The *Chancellor of the Exchequer* wished to place the real facts of the case before the House, and hoped he should be able to satisfy his hon. Friend that the money had not been diverted from the original purpose of the grant. His noble Friend's Lord Spencer) intention, when he introduced the Bill, undoubtedly was, that the money should be applied for the relief of the ecclesiastical incumbents in Ireland. His noble Friend, however, had been met by objections from every side of the House, that the measure would be incomplete unless the grant was extended to lay as well as ecclesiastical claimants, and it was in consequence of an amendment forced on Government by the House that this extension took place. No greater misconception could exist than that which pervaded his hon. Friend's remarks, and which had extended to the public out of doors, that the Bill was intended solely, or mainly, as a measure of relief to the tithe-owner. I was intended mainly to give relief to the tithe-payer, because the receipt of this money by the tithe-owner protected the tithe-payer to a certain extent from demands for tithe. It took away from the tithe-owner the right of proceeding against the tithe-payer, and was thus made conducive to the establishment of tranquillity in Ireland. It was not intended by the Act to give relief to certain parties who might be owners of tithe, but to all owners of tithe who complied with the conditions of the Act, who delivered in their schedules, proved that a sum of money was fairly due to them, and that they had not been able to recover it He did not at all complain of the hon. Gentleman's statement on the subject; but base and calumnious delusions were sought to be propagated among the public by selecting certain names from the list, with a view to make it appear that Government had endeavoured to make a job of the grant, and to advance money to their own favourites exclusively. He was aware that there was no hon. Gentleman opposite who would not immediately disavow such a supposition, but out of doors certain parties had attempted to show, with a singular power of misrepresentation, that the supporters of the Administration had been particularly favoured in the distribution of the money, when, in point of fact, Government had no control over the matter. It would be found that among those who had received assistance from the grant, the opponents of the Administration were more numerous than the supporters. The Treasury, he contended, had excercised a just discretion in not proceeding to enforce repayment of the instalments of the loan. It appeared from returns which had been made out, that the tithe payable in 1834 amounted to 325,000*l.*, of which only 119,000*l.* had been received; in 1835, to 324,000*l.*, of which only 45,000*l.* had been received or recovered. Under these circumstances, it would have been vain to endeavour to enforce repayment, and such a step would only have excited fresh irritation and renewed disturbances. He would always maintain, however, that it was unjust to remit the repayment of the loan, except in connexion with the settlement of the Irish Church question. It was not proposed by the Bill to remit it, but only to suspend, under certain limitations, the enforcement of the right, until the question of the Irish Church should be settled. The Bill proposed, that the Treasury should have power to enforce repayment where the parties had collected the whole or the greater part of their tithe, where the tithe was held and instalments payable by the landlord, where the lay impropriator was owner of the estate and had received the amount of tithe due to him, in the shape of rent. All that he asked was, that Government should not be made responsible for the rigid enforcement of the demand, and he thought that he was also entitled to ask this for the sake of those of the clergy who had not had recourse to writs of rebellion for the collection of their tithes, and had waited for the decision of the House on the question.

House went into Committee on the Bill; the clauses were agreed to, and the House resumed.

Corporate Property (Ireland).] The Chancellor of the Exchequer moved the third reading of the Corporate Property (Ireland) Bill.

Mr. *Harvey* wished to know why the principle contained in this Bill had not been applied to a similar description of property in this country? The object of this Bill—and a very desirable object it was—was to prevent the Corporations of Ireland from dealing with the property confided to their care, until a measure for the better regulation of the Municipal

Corporations of Ireland should have passed both Houses of Parliament.

The *Chancellor of the Exchequer* said, that the motive and reason for passing this Bill did not exist as regarded England. The necessity for this Bill arose from the fact of the other House of Parliament having rejected a Bill which provided for the better regulation of Corporate Property in Ireland. Had that Bill passed through the other House of Parliament, the present Bill would have been wholly unnecessary.

The *Solicitor-General* reminded the hon. Member for Southwark, that in the English Bill of last year a provision was introduced which had the effect that the present Bill would have—namely, to prevent the alienation of corporate property until the Bill for the better regulation of Municipal Corporations should have come into operation.

Bill read a third time and passed.

JEWISH CIVIL DISABILITIES.] The Chancellor of the Exchequer moved the Order of the Day for a Committee on the Bill for removing the Civil Disabilities from the Jews.

Mr. *Arthur Trevor* objected to the further progress of a Bill of such importance at so late a period of the Session. He was opposed to the principle of the Bill in every respect. The case of the Jews was very different from that of the Dissenters. The same principle did not apply in both cases. He would move that the order of the day be read that day three months, and if he stood alone he would divide the House upon this question, in order to show to the country that there were some Members in that House who wished to preserve it a Christian assembly.

Colonel *Sibthorp* would support the amendment of his hon. Friend. He would ask how was it possible for a member of the Jewish persuasion to attend in that House when prayers were said in which the name of the Saviour was invoked? He knew that it was fruitless to resist the Bill in that House, but it was a consolation to him and to the religious people of this country, that they might hope that this Bill would meet with a very different reception elsewhere.

Mr. *Borthwick* considered this Bill an inroad on the constitution, and would take every opportunity of recording his vote against it.

The House divided on the original question. Ayes 42; Noes 3: Majority 39.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Bagshaw, J.
Baines, E.
Baring, F. T.
Bernal, R.
Blamire, W.
Bowring, Dr.
Brotherton, J.
Burdon, W. W.
Butler, hon. P.
Dalmeny, Lord
Etwall, R.
Ewart, W.
Harcourt, G. G.
Harvey, D. W.
Hawes, B.
Hawkins, J. H.
Hindley, C.
Howard, P. H.
Hume, J.
Lennard, T. B.
Morrison, J.
Murray, rt. hon. J. A.
O'Ferrall, R. M.
Parnell, rt. hon. Sir H.
Philips, M.
Pinney, W.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Seymour, Lord
Smith, R. V.
Stewart, P. M.
Stuart, Lord D.
Thompson, Colonel
Thornley, T.
Tracy, C. H.
Tulk, C. A.
Villiers, C. P.
Warburton, H.
Young, G. F.

TELLERS.

Maule, hon. F.
Steuart, R.

List of the NOES.

Price, S. G.
Richards, R.
Trevor, hon. A.

TELLERS.

Sibthorp, Colonel
Borthwick, P.

House went into a Committee. The Bill passed through the Committee, and was ordered to be reported. House resumed.

PRISONERS' COUNSEL BILL.] Lord J. Russell moved, that the Lords' amendments on the Prisoners' Counsel Bill be taken into consideration.

Mr. *Ewart* contended, that the House ought to insist on retaining the clause which gives the last word to the party accused—indeed, that clause involved the whole principle of the Bill. In 1826, Lord Lyndhurst, in his place in that House, had said that he would oppose any Bill on this subject which did not contain this clause. In 1836 this clause was that to which of all others the noble Lord most objected. He moved that the Commons disagree to the amendments of the Lords on this clause.

Lord *J. Russell* agreed, with some reluctance, to this motion. He did so, because a Select Committee of that House had pronounced a very decided opinion upon it. He thought it right, however, to inform the House, that since the last discussion on the subject he had received a very long letter from Lord Chief Justice

Denman, in which his Lordship said that he considered this Bill so important, that he would take it as it came amended from the Lords, and would leave the disputed questions to be settled hereafter.

The Lords' amendment disagreed to.

The other amendments of the Lords were agreed to, and an order was made that their dissent from their Lordships on the clause carried by Mr. Ewart should be communicated to them presently. Committee appointed to draw up reasons to be delivered at a conference.

BRIBERY AT ELECTIONS.] Mr. Aglionby moved, that the Report of this Bill be taken into consideration.

Colonel *Sibthorp* rose to propose an additional clause to this Bill; not that he approved of this Bill—on the contrary, it was repugnant to his feelings as a man, as a Christian, as a fellow-creature, as a neighbour, as a friend. It prohibited him from the practice of hospitality to his poor and distressed neighbours; but he would tell the Chancellor of the Exchequer with all his sacks of money, that, acting upon the precepts and following the example of his respected and venerated father, he would claim the exercise of hospitality as an hereditary right. He had as little occasion to exercise bribery at his elections as any Member in that House; and he would now declare that never, directly or indirectly, had he bribed the vote of any of his tenants in his own favour. His constituents knew him as a neighbour and a friend; and so long as they did know him as such, he should not be afraid of any stranger, however rich, or however gifted, who came among them to solicit their votes. The hon. and gallant Member brought up his clause.

Before further proceedings could be had the House was counted out.

HOUSE OF LORDS,

Saturday, August 13, 1836.

MINUTES.] Bills. Received the Royal Assent:—Customs Duties; Spirits Excise (Ireland); Paper Duties; Reduction of the Stamp Duties on Newspapers; Newspaper Postages; Stage Carriages Duties; Commutation of Tithes (England and Wales); Ecclesiastical Duties Revenue; Bills of Exchange; Horse Patrol; Foreign Letters Prevention; Schools Building; Land Tax Commissioners; Ecclesiastical Appointments Suspension; Ottoman Consuls; Highway Rates; Lighthouses; Cape of Good Hope Administration of Justice; Turnpike Roads; Prince of Wales' Island; Western Australia; Court of Exchequer (Scotland); Gold and Silver Plate (Scotland); Cessio Bonorum (Scotland); Civil Bill Courts (Ireland); Court of Chancery (Ireland); Loan Societies (Ireland); Richmond Penitentiary (Ireland); Copyright (Ireland); the Owners of Vessels (Ireland) Liability.—Read a third time:—Sunk Island Road; Militia Ballot Suspension.—Read a second time:—Slave Owners Compensation; Slave Treaties; Exchequer Offices (Ireland); Creditors (Scotland).—Read a first time:—Corporate Property (Ireland); Coal Trade; Militia Pay; Westminster Small Debts.

HOUSE OF COMMONS,

Saturday, August 13, 1836.

MINUTES.] Bills. Read a second time:—Parochial Assessments.—Read a first time:—Borough Boundaries; Borough Funds; Salmon Fisheries (Scotland).

Petitions presented. By Dr. BOWRING, from the Coach Proprietors, for the Repeal of the Duty on Stage-Coaches.

TITHE COMPOSITIONS IRELAND.)] Mr. *R. Stuart* brought up the Report on the Tithe Compositions (Ireland) Bill.

On the motion that it be agreed to,

Captain *Jones*, after complaining of the unequal operation which a certain clause in the Bill would have upon those who had paid up their instalments under the Million Act, proposed, as a remedy, the insertion of these words in the clause—"in respect of any such instalments which said party may have received."

The *Chancellor of the Exchequer* said, that he had been exposed to two very different attacks on account of this Bill. The hon. Member for Bridport said last evening that it was intended by this Bill to abandon all claims to the instalments granted under the Million Act, and now the gallant Officer opposite declared that the measure would lead to oppressive and vexatious proceedings. The gallant Member apprehended that this Bill would render it necessary for the clergy in Ireland to proceed for the recovery of their tithes by writs of rebellion where they were not obliged to do so at present—namely, in the north of Ireland. Now nothing could be further from his intentions than to produce such a result by this measure; in fact, his intention was quite the reverse. One of the objects which he had in view, certainly was the recovery of the instalments from the landlords. It surely would not be said that the Protestant landlords of Ireland were so indifferent to the support of their Church there, that they would not pay these instalments without having writs of rebellion issued against them? Such at all events, could not be the case in the imstance of the Protestant landlords of the north of Ireland The hon. and gallant officer represented one of the northern counties, he was aware that in those counties tithes were, generally speaking, cheerfully paid and he must know that there would exist no difficulty there either as respected the recovery of the tithe or of the instalments. He meant to say, that there would be no difficulty as far as the gentry of the country were concerned. He thought the gentry should be made to pay them. The introduction of this amendment would be fatal to the Bill, and if so it was the opinion of the law officers of the Crown that the Crown would be under the necessity of directing proceedings to be taken in all cases without exception. The hon. Gentleman must have seen, from the experience of the former Bill, that there was no desire on the part of the Government to press on parties severely. He believed there had not been a single distraint under that Bill. He would therefore not allow the introduction of an amendment into this Act which would deprive the Government of all discretion, and render it compulsory upon it to take proceedings in all cases to compel these payments from the Protestant landlords of Ireland. The amount to be recovered was 250,000*l.* tithes, 100,000*l.* of which had been paid by the landlords of Ireland in a given number of parishes. He had a right to recover all, undoubtedly subject to whatever arrangement should be made as to the whole question of tithes in Ireland, if they should ever be able to effect such a settlement. The hon. Gentleman would find that the Tithe Bill which had passed that House in the present Session had actually provided for the abandonment of these claims, subject to the repayment of the instalments. This Bill was in favour of the Church, and the loss of it would have the effect, as he had already stated, of withdrawing from the Government all discretion as to the taking of proceedings. He trusted therefore that the hon. Gentleman would not press it.

The amendment negatived. Report agreed to. Bill to be read a third time.

MUNICIPAL ELECTIONS.] Mr. Bernal brought up the report on the Municipal Elections Bill.

The *Attorney-General* proposed to omit clause 5. It was not that he disapproved of the clause—quite the reverse, but the introduction of it into the Bill would, he feared, have the effect of inducing the Lords to throw out the Bill altogether.

Mr. *Hawkins* said, he did not see the utility of leaving out the clause because the Lords were not likely to assent to it this Session. They would not be more likely to agree to it next session. After what had passed elsewhere last night on the subject of the Registration of Voters Bill, he took for granted that that Bill would not pass this session. He found that opinion confirmed by the hon. Member who had been the father of the Bill in that House. Now, if this clause should be struck out, and if no Registration of Voters Bill should be passed this session, half a dozen places in England would have no returning officer at all. As there could be no possible objection to the clause, it appeared to him that the proper course would be to send it up to the House of Lords, and let it take its chance there.

The *Attorney-General* said, that all this would be very well, and he would have no objection to such a course, if the Lords would merely throw out the clause, and pass the Bill. But his apprehension was, that if they sent up the Bill with a new clause in it, the Lords would not allow it to be read a second time and sent to Committee, but would throw it out altogether. What would become of Ipswich, Sunderland, and other places, if that should be done? They should send it up like the Newspaper Stamps' Bill, without any alteration, and then the Lords could not fail to pass it. He would suggest to the hon. Member for Newport, that when the Bill was in the Lords, it would be in the power of any noble Lord to move that this clause be added, and if it should then be added, and the Bill came down again in that shape to the Commons, he need not say that they would most joyfully accept it. If they sent up the Bill, however, with new matter in it, he was under the greatest apprehension that the Bill would be entirely lost. He hoped, therefore, that the hon. Member for Newport would not persevere in his opposition to the omission of the clause.

Mr. *Hawkins* said, that of course he would not, but he was sorry to find, from the statement of the learned Gentleman, that the introduction of such a clause could possibly endanger the Bill elsewhere.

The clause omitted. Report agreed to. Bill to be read a third time.

PUBLIC WORKS (IRELAND).] The Chancellor of the Exchequer moved the Order of the Day for the House going into Committee on this Bill, for the purpose of adding the usual money clauses.

Mr. *Lynch* expressed his regret that Government had not consented to advance 500,000*l.* for the purpose of forwarding public works in Ireland. An advance for that purpose had been made in 1831, and produced much good, and there was no danger that any part of the sum would be lost. The advance was not asked or intended as a gift. It was a loan, which would be repaid.

The *Chancellor of the Exchequer* said that 100,000*l.* out of the "million," intended for the relief of the Irish clergy was applied for the purpose of promoting public works in Ireland, and he had no doubt would be productive of much good. It was a mistake to say, that this should not be considered as a loan; it might be considered as a loan, with respect to any particular work, but when repaid by that it was immediately applied to some other public purpose in Ireland.

The House in Committee.

Resolutions embodying money clauses were agreed to, and the House resumed.

MUNICIPAL CORPORATION ACT AMENDMENT.] The *Attorney-General* said, that in consequence of the rejection of the above Bill, it had become necessary for him to introduce certain measures intended to be only of a temporary nature, for the purpose of carrying into effect certain provisions of the Bill to which no objection had been made in either House, and which, if neglected, would be productive of great inconvenience. The first Bill for which he should move, would be a Bill for the better administration of justice in certain boroughs. Without this, some of the towns would not be able to hold Quarter Sessions. He should next move a Bill to make temporary provision for the boundaries of certain boroughs. The third Bill for which he should move was for the better administration of the borough fund in certain boroughs. It was to allow certain corporations—for instance, Liverpool—to lease certain property. By this Bill, Liverpool would save 10,000*l.*, which otherwise it must lose.

Leave given to bring in the Bills, which were brought in, and read a first time.

HOUSE OF LORDS,

Monday, August 15, 1836.

MINUTES.] Bills. Read a third time:—Medical Witnesses. —Read a second time:—Coal Trade; Westminster Small Debts; Greek Loan; Militia Pay.—Read a first time:—Jewish Civil Disabilities; Pension Duties; Valuation (Ireland).

Petitions presented. By Lord STRAFFORD, from Maidstone, against the payment of Church Rates.—By the Duke of WELLINGTON, from the Wesleyan Methodists, Dublin, against allowing Grocers to sell Spirits.—By the Bishop of ROCHESTER, from the Dean and Chapter of the Cathedral Church, Winchester, that the Ecclesiastical Commissioners Report may not receive the sanction of the House.

STANNARIES.] On the motion of the Earl of Falmouth, the House resolved itself into a Committee on the Stannaries Bill.

On the 1st Clause,

Lord *Langdale* said, that much opposition had been raised against the exercise of the jurisdiction now possessed by the Stannary Courts, on account of the alleged inconvenience and confusion which arose from their decisions; but still it was found that this species of jurisdiction was so valuable and so useful, that it was deemed right to establish a local court on a more extended scale. Now, he had no objection to the establishment of a local court in the county of Cornwall, for the decision of questions connected with mining concerns. If such a court were surrounded by proper safeguards, he conceived that its operation would be extremely valuable. He felt, however, considerable doubts as to whether the Bill before their Lordships was calculated to produce such a beneficial effect. He felt not a little hesitation in suffering the Bill to proceed through the second reading without observation. He did not think that it contained the necessary safeguards and precautions which ought to surround a measure the object of which was to establish a local court of a peculiar description. They ought to consider what provision was made for the judge, and what the situation of the judge would be under this Bill. The judge ought certainly to be placed in such a situation as would enable him to perform his duty fairly and impartially. What, he would ask, was the law to be administered? It was not the common law of England, but the custom of the stannaries. What those laws or customs of the stannaries were, it was extremely difficult to discover. They could not accurately ascertain what they were; and yet they were called on to pass a Bill for the administration of a species of law that was not known or perfectly understood. He next came to consider what was the situation of the judge. He was to be appointed, under this Bill, by the Duke of Cornwall, if there happened to be one; otherwise, by the King. He was to hold office during good behaviour; and he was removable from office by the Duke of Cornwall, on the requisition of five councillors of the Duchy of Cornwall. The judge, it appeared, was to try matters in which the interests of the Duke of Cornwall might be deeply implicated, and yet he was removable on the application of those officers. He did not think, that such a provision as this was calculated properly to secure the independence of the judge. He now wished to look a little at the history of this Bill. It originated with persons who were greatly interested in the mines of Cornwall; and as the judge was to adjudicate on matters that so nearly concerned them, it was agreed that one-half of the judge's salary should be paid out of the revenues of the dukedom, and the other half by those who more immediately promoted this measure. Every manager of a mine was to keep an account of the minerals raised; and one-fourth of the full value of what was obtained was to be paid over to meet, in part, the salary of the judge. A return of the quantity raised was to be made to the registrar of this court, from time to time; and if the individual did not make that return correctly, he was to be subjected to a penalty, to be recovered before the judge. Thus the judge was to sit trying causes, the object of which was to secure funds to meet the expenses of his own office. This, he thought, was a situation in which a judge ought not to be placed. Then the right of appeal was most defective. The appeal lay from the steward to the vice-warden, from the vice-warden to the lord warden, and from the lord warden to the Duke of Cornwall, if there were one, assisted by a certain number of councillors. He contended that there ought to be a proper appeal—an appeal either to the King in Council or to that House.

The *Lord Chancellor* said, that was not the time to consider the principle of the Bill, which had already been conceded. He did not object to several of the observations which had fallen from his noble and learned Friend; and, in fact, he had marked on the margin of the Bill some points which he conceived ought to be amended.

Lord *Wynford* said, that cases of great importance, involving property to the amount of hundreds of thousands of pounds, were likely to come under this court for consideration; therefore, the measure ought to be maturely weighed before it was carried into effect. He thought that the Bill should be postponed till next Session, in order that it might be properly considered.

The Earl of *Falmouth* said, that this Bill had already undergone long and serious consideration. It had been submitted to the Magistrates of Cornwall, and also to the principal officers of the duchy, by whom it had been carefully examined. After having received various important alterations elsewhere, it now came up to their Lordships in its present state. The Bill originated with a number of individuals of very great influence in the county of Cornwall, who had devoted many months to its consideration. They felt no desire to serve any particular body; but looked to the welfare, not merely of the mining interest, but of the landed interest, and the trading interest. They wished, in fact, to constitute a court that would be beneficial to the public in general. If they looked to the north or to the south, to Devon, or elsewhere, they would find, that where mines were wrought, local courts were established. Indeed, a noble Friend reminded him, that if they went abroad, they would find no part of the world in which minerals were sought after that did not possess its local court.

The 1st Clause was agreed to.

On the 2d Clause, relating to the appointment and removal of the vice-warden,

Lord *Wynford* moved an amendment, to the effect that the vice-warden could not be removed except by the certificate of the Barons of the Exchequer, that he had done some act to justify his removal. He contended that it was an anomaly, and inconsistent with that independence which a judge should possess, that his removal from office should depend on the will of that party who might be said to have an interest in most of the causes which came before him.

The *Lord Chancellor* did not object to the principle, that a judge should not be removable at the pleasure of those who appointed him; but he thought it would be better to have the same rule apply in this case as in that of the judges of the courts in Westminster Hall—namely, that their removal could take place only by address of both Houses to the Crown.

Lord *Wynford* would not object to that

course, and was willing to shape his amendment accordingly.

Lord *Holland* said, that there were difficulties in this case which ought not to be overlooked. The Duchy of Cornwall was now in the possession of the Crown, but suppose it should be held distinctly from the Crown, it would then be the private estate for the time being of the party holding it, to which were attached certain jurisdictions and privileges. Would their Lordships now interfere with those privileges, and say, that the Duke of Cornwall at a future period should not appoint or remove his own judicial officers? He thought it better to let the matter stand as it now was in the Bill.

Lord *Langdale* thought the least difficult way to settle the point would be to leave the removal in the hands of the Crown, on an address of the two Houses of Parliament.

Amendment negatived.

Clause agreed to.

On the 5th Clause, which gave an appeal from the vice warden to the lord warden, assisted by some of the judicial Lords of the Privy Council,

Lord *Langdale* proposed an amendment to add these words:—"subject to an appeal to the Lords Spiritual and Temporal."

The *Lord Chancellor* thought that would be hard on some of the suitors in small cases, though in important cases, such an appeal might be necessary.

The Earl of *Falmouth* thought it would be a hardship, for there would then be an appeal in almost every case. He would suggest that the appeal should be to the lord warden, assisted by a Baron of the Exchequer. He would prefer one appeal.

Lord *Langdale* would also prefer one appeal; but he did not approve of the one proposed.

Amendment carried, and clause agreed to.

On Clause 7,

Lord *Wynford* proposed, that in trials in any of the Courts under this Bill there should be power to move for a new trial, as in the courts at Westminster, and that the application for such new trial should be made to the vice warden, or to one of the Courts at Westminster, and that, if necessary, the new trial should take place in the neighbouring county of Devon.

The *Lord Chancellor* submitted, that the Stannaries Courts were wholly independent as to their jurisdiction, and he must object to the amendment affording the right of an application for new trials to any of the Courts of Westminster Hall. The application ought to be made, in the first instance, to the vice warden; and if he should refuse the motion, his decision could be questioned by appeal in the same manner as any other order he might pronounce.

Lord *Wynford* said, that as this Bill did not give a writ of error, he was only anxious to provide for the correction of mistakes arising either on questions of fact, on the misdirection of the learned judge at *Nisi Prius*, or from verdicts against evidence—in a word, that the judgments of these courts should be examinable. He should be quite content provided there was secured to parties a means of control over the judgments, if erroneous, of the courts below.

The *Lord Chancellor* would, on the Report, secure this by giving an appeal from a judgment at *Nisi Prius*, in the same manner as from any other order of the vice warden. He had no objection to include in his amendment the provision proposed, by which a cause might be sent for trial to the adjoining county.

Clause agreed to.

On Clause 36,

Lord *Lyndhurst* moved an amendment to the effect, that the learned counsel whom it was understood was to be appointed to the office of vice warden should be permitted to practise as a Barrister for three years from and after the passing of the Act except within or in cases connected with the county of Cornwall. He was induced to make this proposition, inasmuch as the court over which he was to preside was a mere experiment, and as everybody knew that no professional man having left the Bar, could return to it except under great loss and disadvantage. By his being permitted to remain at the Bar, he would continue to mix with his professional brethren, whom he would be enabled with great public advantage, to consult on cases of difficulty, and in the arrangement of the business of his court.

The Earl of *Falmouth* objected to the alteration proposed by the noble and learned Lord. The arrangement had been made, and the salary of the vice warden had been increased to the amount stated in the Bill, on the ground that he should cease to practise at the Bar, and should give his whole time and attention to the business of the county. The proposition of the noble and learned Lord had not even been suggested in the Commons, and he contended, that after a salary had been secured, on the arrangement of the learned gentleman's ceasing to practise at the Bar, it was too much now to interfere with that arrangement in the manner proposed.

Lord *Lyndhurst* said, he had authority for stating, that at the very time it was proposed to raise the salary from 1,000*l.* to 1,500*l.* on consideration of his not continuing to practise, the learned Gentleman who had been appointed, objected and said, during the three years he might be permitted to practise he should consider himself only entitled to the salary of 1,000*l.* per annum; and if at the end of three years he should not be allowed to continue to practise, that then he should expect the increased salary of 1,500*l.* per annum.

Lord *Wynford* remarked, that the learned gentleman who had been appointed to the office of vice-warden was a gentleman of great eminence at the bar. He did not doubt but many gentlemen at the bar might be found who would be ready to take the appointment on other terms, but he was satisfied no person of eminence would do so. He agreed with his noble and learned Friend near him that the Bill was an experiment, and on those grounds supported the amendment.

Lord *Langdale* said, that if the Bill was to be a mere experiment, a clause ought to be introduced to restrict its operation for a period in which that experiment could fairly be tried, instead of appointing a judge with power to continue to practise at the bar for three years, thus allowing him an opportunity of choosing which of the two lines of life best suited his habits. For the experiment, even the judge ought to devote his whole heart and soul to the business, and if the Bill was to be permanent, his whole time and attention ought to be applied to it. To a limitation of the term of the Bill he should not object, though he must strenuously oppose the proposition for the Judge being allowed to continue to practise at the bar.

Lord *Lyndhurst* observed, that as it was not at present known what was the extent of business to be disposed of by this court, the Bill was a mere experiment, and no valid objection to his alteration of the clause had been even suggested.

Amendment negatived, and the clause ordered to stand part of the Bill.

Remaining clauses agreed to. The House resumed, Bill reported with amendments.

CORPORATE PROPERTY (IRELAND) BILL.] Viscount *Melbourne,* in moving the second reading of the Corporate Property (Ireland) Bill, said, that the main objects of the Bill were to restrain the corporations in Ireland from any alienation of the corporate property, or the exercise of any patronage they might possess, until Parliament should have legislated on the subject.

The Duke of *Wellington* declared, that he never could consent to be a party to the statements contained in the preamble of this Bill. There were points also in the enacting clauses to which he most decidedly objected, but he could not allow even this stage of the Bill to pass without expressing his entire dissent from the statements contained in the preamble, since he considered the measure both unprecedented and contrary to justice.

Viscount *Melbourne* observed, that the Bill merely went to provide a remedy for the loss of the Municipal Corporations (Ireland) Bill; and with regard to the preamble, so much objected to, it merely recited facts. He would read it:—"Whereas it is fitting and expedient that provision should be made forthwith against the wasting of the estates of Corporate towns in Ireland, their corruption and abuses, until such time as Parliament shall provide a remedy." That there had been great abuses in the corporations of Ireland could not be denied, or why was it that noble Lords opposite had, in the early part of the Session been so desirous for the total abolition and destruction of corporate bodies in Ireland? Noble Lords opposite could not refuse to assent to the recitals in the preamble. Those recitals were merely statements of facts; those facts he had considered to have been admitted by noble Lords opposite, and he very much doubted whether this measure was either unprecedented or contrary to justice.

Lord *Lyndhurst* begged to say, that he, for one, had never admitted the existence either of corruption or abuse in the corporate bodies of Ireland. The grounds upon which he contended for their extinction was, that they were administered on party principles. As to corruption and abuse, they never had been admitted by noble Lords on his side of the House. On the contrary, they had stated that they had no evidence of any such corruption or abuse on which they ought to act. It appeared to him that this was a most extraordinary Bill, even independent of the terms of its preamble. What were its enactments? Why, first, that any contract fraudulently made by these corporate bodies should be null and void. Were they not so even by the operation of the law as it stood. The second declaration of the same enacting clause was, that where a corporation disposed of its property for an inadequate consideration, such disposition should be wholly null and void. But the clause contained no provision whatever for the repayment of the purchase-money; so that if he, or any other person, contracted with a corporation on the present principles, to buy their estate for 5,000*l.*, and that it turned out the consideration money was inadequate by 200*l.* or 300*l.*, he, or the purchaser, whoever he might be, would become a mere trustee for the corporation, and have no means of recovering his purchase-money, but by a suit in equity, and when he had obtained his decree, the corporation might be without funds. Could anything be more unfair, unjust, or absurd? What was the next provision? It enacted, that with respect to conveyances so pronounced null and void, that Parliament might in the next or ensuing Session, provide some means for calling them in question. Now the courts of justice were open for purposes of this kind. Why should they legislate to provide a mode of proceeding which was already in existence? or, if proper to legislate at all upon the subject, why empower the Legislature to do that which they had the power of doing without any present interference? The second clause of the Bill enacted, that if any appointments were made, which should eventually be deemed unnecessary, and the parties holding them should be removed by any subsequent Act of Parliament, such parties should not be entitled to any compensation. Was it not better to leave this matter to the judgment of Parliament when it came to legislate on the subject? He did not mean to say, that he opposed the second reading of the Bill, but the objectionable parts of the preamble must be struck out, and the clauses remodelled in Committee. The Bill comprised only one page, and was the most singular specimen of legislation ever sent up to that House of Parliament.

The Earl of *Falmouth* protested against the use of the words "corruption and abuse," contained in the preamble of the Bill, on no better evidence than the report of the Commissioners. The Bill went further than the measure of last year, and he objected to it on constitutional grounds, and on the first principles of justice. He never could suffer a Bill of this nature to pass, he never could sanction so abominable an assumption of facts as the preamble of this Bill set forth.

Lord *Holland* said, the House had had some experience of what the noble and learned Lord (Lyndhurst) meant by remodelling a Bill. The noble and learned Lord had not spared the ruffian Bill, as the Irish Corporation Bill had been termed; and now he was about to embrue his hands in the blood of this little infant measure, which was, in fact, a child of his own. Noble Lords opposite had told the Government over and over again, last year, that they were ready to meet the Government half way, and to do anything to enable them to consider the matter this year, if necessary; but now they said "No;" and what, he would ask, was the reason for pursuing such a course? It appeared to him that the noble and learned Lord seemed to want to disgust the people, and indispose them to that House; the people would say—"That cruel tyrant, who has done away with so many of our Bills, is now diverting himself with killing a fly." After he had washed his hands in the blood of so many important Bills, he had now come to destroy this little innocent. Why, the noble Lord said he would do so in Committee. Indeed, noble Lords on his (Lord Holland's) side of the House had nothing to do but to lament over the destruction of the Bills which had been brought into the House this Session. If the noble and learned Lord was sincere in his views—if this Bill was such as would disgrace the statute-book, why attempt to new-model it in Committee? Why did not the noble and learned Lord vote against its second reading? The noble and learned Lord had been silent as to the amendments he intended to propose; but he, judging from the thunder of his index to the second reading, could not doubt that those amendments must be terrible indeed, and fatal to the Bill; and then the whole murder would out, and show that the intention, all along, had been to keep up those notable corporations, which, during the discussions last year, were allowed to be corrupt and full of abuses, and, as the noble and learned Lord now said, were completely under party government, just as they were, and to give to a party a triumph.

Lord *Lyndhurst* said, that really there was no pleasing the noble Baron who had just sat down. If noble Lords on his (Lord Lyndhurst's) side of the House objected to the second reading of a Bill, his cry was, "Read the Bill a second time, and go into Committee;" if, on the other hand, they should read the Bill a second time, and go into Committee, that course was objected to. The noble Baron had expressed some alarm that this Bill should be altered, it was so small; it was an insect to be sure, but then it had a poisonous tooth, and he wished it to go into Committee, in order to take away its poisonous power. As to the remark, that we (continued the noble and learned Lord) shall disgust the country, and indispose the people towards this House, because we will not agree to measures unjust in character—to Bills which, in their very preambles, are libels on his Majesty's subjects—Bills which are inefficient in some of their clauses, unnecessary, unjust, and atrocious in others, I am sure that we shall not offend or displease the people of England, if, in the discharge of our duty as Legislators, we watch over every Bill that is sent up to this House, and do not send out any Bill of which we do not approve conscientiously, and believe is consonant with the principles of the laws and constitution of this country. I am sure the course we are pursuing is much more likely to recommend this House to the country than the careless course of legislation recommended by the noble Baron.

Lord *Holland* thought, the inconsistency with which he charged the noble and learned Lord, lay in the fact, that, in agreeing to go into committee on the Bill, he had stated his arguments against the whole principle of the Bill, its preamble, and groundwork of it; that course was quite as inconsistent as if he threw out the Bill, on its second reading, on matters of mere detail. As to the manner in which the country would judge of the noble and learned Lord's conduct, he wished him joy of the great advantage he would gain by so altering this Bill as to lose it.

Lord *Ellenborough* said, that he and his noble Friends on his side of the House did not wish to protect abuses or to prevent their extinction; on the contrary, they had shown by the amendments of last year, in which the House of Commons did not think proper to acquiesce, that their object was to remove the abuses which really existed. At the same time he and his noble Friends could not agree with the preamble of the Bill impugning, as it did so unjustly, the Corporations alluded to; and though they might agree to the second reading, that would not deprive them of the right of altering such of the details of the Bill as might appear to be objectionable.

Bill read a second time.

COMMON FIELDS' ENCLOSURE.] The Earl of Shaftesbury brought up the Report on the Common Fields' Enclosure Bill.

Lord *Ellenborough* proposed the insertion of several amendments, chiefly verbal, and some consequential. One of the latter was an amendment on the last clause, which exempted from the operation of the Bill all waste lands belonging to the lords of manors; he proposed that all waste lands whatsoever should be so exempted. In short, the object of the Bill was, to increase the productive power of the agricultural class, and to promote the cultivation of lands which could not now be cultivated. The Bill was not exactly in the state he should have liked to see it, but, amended as it would be by their Lordships, he did not think it would work any injustice to any one, while it would find employment for a vast number of our agricultural population.

Lord *Holland* was not disposed to offer any opposition to the Bill; on the contrary, he thought the proposers of it deserving of thanks for the measure. But there was one clause in it which excepted from the operation of the Bill all waste lands and commons within ten miles around the metropolis; that he thought a very ample exception in favour of the metropolis, and perhaps it was greater than was necessary, but he wished to see a similar provision made for the several towns and cities of England beside. It had been matter of surprise to all foreigners, and, indeed, a reproach to this country, that though its laws and institutions were formed on proper and liberal grounds, yet there were no places provided suitable for the healthful exercise and recreation of the people. In order to carry out the principle, then, which had been made applicable to London, he should propose the insertion of a new clause to exempt all commons and waste lands within two miles of every city, borough and town in England, the population of which amounted to 500 persons.

Lord *Ellenborough* concurred in the proposition, and undertook to draw up a clause to promote the object of the noble Baron (Lord Holland). He thought it extremely desirable that the people should have some open space to which they might resort for healthful recreation. It was much better for them to have such places left open to them, than to be shut out and left no other resource than the alehouse and beershop. He thought, however, that one mile would be sufficient for the noble Lord's purpose, as applied to other places than the metropolis, taken in conjunction with the other provisions of the Bill.

Lord Holland acquiesced.

Report received. Bill to be read a third time.

HOUSE OF COMMONS,

Monday, August 15, 1836.

MINUTES.] Bills. Read a third time:—Tithe Compositions (Ireland); Municipal Elections; Poor-Law Loans.—Read a second time:—Borough Funds and Borough Boundaries.—Read a first time:—Equity Exchequer Suits; Malt Duties; Grand Jury Presentments (Ireland).

Petitions presented. By Mr. LENNARD, from the Protestant Dissenters of Malden, for the Abolition of Church Rates.—By the LORD ADVOCATE, from Peebles, to be exempted from the burthen of alimenting Prisoners after conviction.—By Dr. LUSHINGTON, from the Peace Society and others, Southampton, that all national difficulties may be attempted to be settled by Friendly Interposition.

GRAND JURIES (IRELAND) BILL.] Lord *Morpeth* said, that in order to avoid any difficulty with respect to the Lords' amendments to the Irish Grand Jury Bill, and to satisfy their just pretensions, he should move that the Bill, as sent down from their Lordships' House, be laid aside, and that leave be given to introduce a new Bill, omitting those clauses which had been struck out or altered by their Lordships. The noble Lord then brought in a Bill for consolidating and amending the laws for the regulation of Grand Juries in Ireland, which was read a first time, and ordered to be read a second time to-morrow.

ADMINISTRATION OF JUSTICE IN BOROUGHS.] The Solicitor-General moved the second reading of the Borough Justices Bill.

The Earl of *Lincoln* said, the march of legislation had been lately so rapid that hon. Members did not actually know what they were doing. It would surprise the learned Gentleman and other Members when they were told that the Bill now proposed for a second reading had not been read a first time. Such, however, was the fact. On Saturday, some parchments in the form of Bills were laid on the table, and the titles of them read. As some hon. Members on his side of the House wished to know something of them and their contents, they took up one, and on untying it, were surprised to find it all a blank. The other two were the same. Surely, under such circumstances, it would be impossible for them to suspend the standing orders, in order to pass the Bills that evening.

The *Solicitor-General* said, the entry upon the journals was, that the Bills were ordered for a second reading; which, of course, implied that they had been read a first time. The journals were conclusive. They were Bills on which no discussion could arise, all the clauses having been agreed to by both Houses.

The *Speaker*: There can be no doubt that a copy of the Bill on parchment should be on the table of the House when the first reading of it is moved. I was not aware that such was not the case in the present instance. I now understand that the reason of this not being so was this—that the Bills were at that moment sent to the printer, in order to insure their being printed and in the hands of Members as early as possible that morning.

The Earl of *Lincoln* said, hon. Members were prevented from knowing what the Bills were on Saturday, and which were only delivered to them that morning; so that it was impossible any Gentleman could know what he was about.

Mr. *Charles Ross* had made inquiries of many Parliamentary agents, and none of them had ever known an instance of the kind.

Mr. *Charlton* deprecated the course that had been adopted. In his opinion, hon. Members ought to have had an opportunity of seeing what the measures were.

The *Solicitor-General* said, there was not one word inserted in the Bill that had not been assented to by the House, and not a circumstance had occurred that would place any hon. Member in a different predicament to that in which he was at present placed.

Bill read a second time.

Conference.—Counsel for Prisoners.] The House held a Conference with the Lords on the Prisoners' Counsel Bill, when Mr. Ewart and others, who were the managers, laid before their Lordships the Commons' reasons for disagreeing to the Lords' Amendments in the Prisoners' Counsel Bill.

Affairs of Spain.] Captain *Boldero* said, that having complied with the usual rule of courtesy by giving the noble Lord notice, he rose in the exercise of his privilege to put a question to him. He wished to be informed whether Government had received any official intelligence announcing that the National Guard of Madrid had been disembodied, and that the municipality had refused to take up arms, having been ordered to do so? If such were the fact, the noble Lord would, perhaps, add what passing events had led to this proceeding. The present posture of affairs in Spain seemed to require all the noble Lord's judgment. Having put this single question, he should make no further observation, being sure that the answer to it would receive all attention.

Viscount *Palmerston* stated, that official information had been received, that an attempt had been made at Madrid to proclaim the Constitution of 1812, by a portion of the National Guard. That attempt was successfully resisted by the Queen's Government; but an order had in consequence been issued for remodelling the National Guard: that force was disembodied for a short time, in order that it might be remodelled and reformed.

Sir *George Sinclair* inquired whether the British Legion was to be employed in supporting the Constitution of 1812?

Lord *Palmerston* replied, that that force was in the pay, and under the orders, of the Spanish Government. It was not for him to say on what service it would be employed.

Viscount *Stormont* said, some painful events had occurred at Saragossa, and he begged to know whether the force on board the British squadron was to be employed in support of the Constitution of 1812, then proclaimed?

Viscount *Palmerston* remarked, that a great poet had represented Bohemia as a maritime country, and the noble Lord had converted Saragossa into a sea-port. He did not think it likely that the British naval force was likely to undertake any operations at Saragossa.

Viscount *Stormont* did not put the question with reference to the squadron, but to the supernumerary marines on board it. He had said nothing about vessels, but marines, who had been acting on shore, and who had nothing to do with the vessels.

Viscount *Palmerston* added, that the noble Lord was quite mistaken in supposing that the marines had nothing to do with the squadron. They were attached to the squadron, and were under the command of Lord John Hay. Their service was of a character very different to that of marching to Saragossa, and taking part in political affairs there.

Mr. *Grove Price* was by no means satisfied with the answer of the noble Lord. He was about to refer to Corunna, and to the coast of Spain adjacent to where the British squadron was stationed, without wandering to Bohemia. He wished to know whether the British force under Lord John Hay, paid and victualled by this country, was to remain neutral, or to take part for or against the friends of the Constitution of 1812.

Viscount *Palmerston* answered, that the British force would decidedly remain neutral. It was at present acting in pursuance of the engagements of a treaty: that treaty had reference to a civil war between the Queen of Spain and her party, and Don Carlos and his party, but no reference whatever to any internal divisions between the Constitutionalists of 1812 and their opponents.

Sir *John Elley* hoped he should not be considered irregular in offering a few words. The situation of General Evans seemed very critical and difficult. It appeared that an order had been sent for three battalions of Spanish troops to quit the British Legion, and to return to Vittoria; and this had been done by order of Cordova. The noble Lord had said that the British Legion was at the disposal of the Spanish Government, which Spanish Government had named Cordova as Commander-in-chief. Having attached the three battalions on a former occasion, Cordova had issued orders to detach them again; and on the receipt of the orders, the troops became a deliberative body.

Subject dropped.

PENSIONS DUTIES.] The Pensions Duties Bill was read a third time. On the question that it do pass,

Mr. *Warburton* rose to move the omission of that clause in the Bill which exempted the Duke of Marlborough from the payment of the duties it imposed. Those duties were a four-shilling duty, a shilling, and a sixpenny duty. With respect to the first, there could be no doubt whatever that the pension of the Duke of Marlborough was liable to it. It had been constantly paid since the first granting of the pension, with the exception he should explain to the House. It had, indeed, been represented by a paper which had been put into the hands of Members, that by the 5th Ann, it was provided that the pension should be paid without any charges or fees. But he (Mr. Warburton) affirmed that this was not a fair quotation from the Act. The language of the Act was, that the pension should be paid without any fees or charges "to be demanded or taken for paying the same, or any part thereof." And that very Act gave his Grace a remedy in case any deductions were attempted to be made from the amount of his pension, on account of any fees or charges which could not legally be demanded; it provided, that in such case, he might bring his action in a court of law against the persons making the illegal demands. It was clear, therefore, that even admitting the law of the case to be on the side of the Duke, he was not under the necessity of appealing to Parliament: for if either the four-shilling, the one shilling, or the sixpenny duty were illegally imposed upon him, he had his remedy by an action at law. As to the one shilling, and the sixpenny duties, he (Mr. Warburton) admitted, that by the 31st and 32d Geo. 2nd c. 33, his Grace was exempted from the payment of the four-shilling duty, for that Act undoubtedly exempted from the payment of all duties belonging to the crown, any pensions granted by his Majesty's successor, by any Act of Parliament, in fee or fee tail. And as by the 48th Geo. 3rd, any pension was exempted from the payment of the duties then levied, (the sixpenny, the one shilling, and the four-shilling duties) which had been specially exempted from the payments of any or either of such duties, his Grace, in being exempted from the four shilling-duty, was undoubtedly exempted also from the one shilling, and the sixpenny duties. But by the 49th Geo. 3rd, these Acts were repealed: and therefore, as far as the law of the case went, he (Mr. Warburton) agreed in the opinion expressed by the Attorney and Solicitor General, that his Grace's pension was justly liable to the payment of those duties. But then it was contended, that though, according to the strict law of the case, his Grace might be liable to the payment of those duties, yet such was not the intention of Parliament at the time of granting his pension, he (Mr. Warburton) contended, that the Acts of that Parliament were the only just interpretation of its intentions. And by Parliamentary returns, it would be found that the duties in question had actually been charged immediately after the pension was granted, in 1705. Let it be recollected, that by the resolutions of that House, the Duke of Marlborough was charged with having fraudulently and illegally taken large sums of money, amounting, altogether, to 247,000*l.*; and though he was never called upon to refund that money, the recollection of the great services he had rendered the country, having probably prevented Parliament from proceeding to extremities against him, yet, no doubt, Parliament considered those matters in determining upon the amount of his pension. And when the House of Commons of that day had decided that, taking all things into consideration, 5,000*l.* a year, subject to the payment of all aids and taxes, with the magnificent estate of Blenheim, were a sufficient reward for his services to the country, he (Mr. Warburton) asked, what was there in the services rendered by the present Duke to justify the hon. Member for Oxfordshire (Mr. G. Harcourt) in calling upon Parliament now to give him an exemption from taxes and charges to which the great Duke, his progenitor was liable. He (Mr. Warburton) should feel himself justified in the course he was now taking, even upon the question of form alone. He objected most strongly to the manner in which the clause in question had been introduced into the Bill. Had it been expected that the Members of the Government would have voted for it, the benches upon his (Mr. Warburton's) side of the House would have been much better filled. A vote obtained from the House, so taken by surprise, could not be considered as expressing the real sense of the

House; and upon the ground both of merit and of form, he felt it his duty to move, that this clause be omitted from the Bill.

Mr. *Robinson* said, he should support the motion of the hon. Member for Bridport, and he entirely agreed in the arguments by which that motion had been supported. The House had no reason to suppose that Ministers intended to support the clause brought forward by the hon. Member for Oxfordshire, nay, more, when that motion was under discussion, not one Member of the Government had expressed his approval of it: the Chancellor of the Exchequer, indeed, had said, that he considered it a question of doubt, and that he should give his vote in favour of the doubts; but no other Minister had in any way expressed himself favourable to it. He (Mr. Robinson) contended, that a vote taken when the House was under such a false impression, could not be considered indicative of its real feelings. He did not feel it necessary to argue the merits, but he would ask the Chancellor of the Exchequer, when the first Duke had submitted to the deductions in question, what services had the present Duke rendered the country that entitled him to exemption from those deductions?

The *Chancellor of the Exchequer* had nothing more to say upon the subject than what he stated the other evening, except this, that the hon. Member for Bridport was completely mistaken, when he supposed that the clause in question had been taken up by the Government. It was true that he (the Chancellor of the Exchequer) had supported the clause when it was under consideration on the former occasion, and it was equally true that he should do so again; but in doing so, it must be understood, that he was expressing only his own individual opinion on the merits of the case. Looking at the Acts of Parliament, and at the various circumstances connected with the grant, as originally made to the great Duke of Marlborough, there appeared to him to be a doubt as to whether a tax could possibly be imposed upon it; and having that doubt in his mind, he determined to give the present Duke the benefit of it. As a proof that the clause had not been treated as a Government measure, he need only observe, that three members of the Administration had voted against it.

Mr. *Labouchere* said, he was one of those three. If a distinct proposition were brought forward, to place the pension of the Duke of Marlborough on the same footing as that of other great military commanders, he was not prepared to say that the House ought to reject it; but understanding that the clause now proposed to be struck out, was founded exclusively upon the supposed construction of the Act by which the grant to the Duke of Marlborough was originally made, he felt bound to oppose it, because, according to his reading of that Act, the pension of the Duke was clearly liable to any tax that Parliament might impose upon it.

Mr. *Hume* thought, that the Chancellor of the Exchequer, if he had any doubt upon his mind, ought to give it in favour of the public, not of the Duke of Marlborough, whose ancestor had been sufficiently well paid for the services he performed; and who, moreover, had always been liable to such deductions as that from which now, for the first time, it was proposed to exempt his descendant. He begged to ask, whether at the end of a Session, with no more than fifty Members present, it was fit or proper for the House to overrule that which had been an invariable custom for upwards of 100 years?

Mr. *Brotherton* felt that he should not be doing his duty to his constituents if he did not oppose this clause. He felt satisfied, indeed, that this country never could be happy or prosperous till war was discountenanced, and warriors held in less estimation than at present.

Mr. *Trevor* said, it was unjust and unfair to represent this clause as giving the present Duke of Marlborough any increase of pension. He should not enter into the line of argument which had been taken by the hon. Member for Salford. He deprecated war and warriors. But he (Mr. Trevor) should like to ask him, what would have become of this country at the time of the Duke of Marlborough, had it not been for the splendid victories achieved by that celebrated general. We were fighting then, *pro aris et focis*, and this pension had been granted to the Duke by the unanimous voice of the Parliament of that day, as a reward for those distinguished national services. True; war was no benefit to any country, but he (Mr. Trevor) contended, that it would be a violation of public faith and national honour, to allow any deductions from the amount of pension which had been unanimously granted to one of its most eminent military heroes.

Mr. *Cutlar Fergusson* agreed with his right hon. Friend, the Chancellor of the Exchequer, that as there was doubt upon the subject, it ought to be given in favour of the Duke.

Dr. *Lushington* objected to the form and mode in which the clause had been introduced into the Bill. Such a clause should have been proposed, not on the bringing up of the report, but in a Committee of the whole House. He was decidedly of opinion, that the pension of the Duke of Marlborough was liable to taxation, in the same manner as other pensions, and for that reason he should now vote with the hon. Member for Bridport for the omission of the clause.

Colonel *Sibthorp* would support the clause. The pension of the Duke of Marlborough, it must be recollected, had been fairly earned; an observation which would not apply to the pension of many a Chancellor of the Exchequer or Secretary of State.

Sir *George Grey*, after mature consideration, was of opinion that it was undesirable to introduce the clause into the present Bill.

The House divided on the question, that the clause stand part of the Bill:—Ayes 34; Noes 36: Majority 2.

List of the AYES.

Ashley, Lord
Attwood, Thomas
Byng, G. S.
Chandos, Marquess of
Churchill, Ld. C. S.
Cockerell, Sir C., bt.
Cooper, E. J.
Dalmeny, Lord
Fergusson, rt. hon. R. C.
Gordon, Robert
Howard, hon. E. G.
Jones, Theobald
Lennox, Lord G.
Macleod, R.
Maule, hon. F.
Morpeth, Viscount
Murray, John Arch.
Neeld, Joseph
Palmerston, Lord
Price, S. G.
Pusey, Philip
Reid, Sir J. Rae
Rice, rt. hon. T. S.
Richards, R.
Rolfe, Sir R. M.
Sanford, E. A.
Sibthorp, Colonel
Stanley, E. J.
Steuart, R.
Stormont, Lord
Tancred, H. W.
Trevor, hon. A.
Tynte, C. K. K.
Wall, Charles Baring

TELLERS.

Harcourt, G.
Young, G. F.

List of the NOES.

Aglionby, H. A.
Alsager, Captain
Baring, F. T.
Baring, Thomas
Bewes, T.
Blamire, W.
Bonham, R. F.
Bowring, Dr.
Brotherton, J.
Callaghan, D.
Chalmers, P.
Duncombe, T. S.
Gladstone, Thomas
Grey, Sir G
Hawes, B.
Hindley, C.
Hotham, Lord
Hume, J.
Humphery, John
Labouchere, Henry
Leader, J. T.
Lushington, Dr. S.
Pattison, J.
Philips, Mark
Potter, R.
Robarts, Abraham W.
Robinson, G.
Ruthven, Edward
Scrope, G. P.
Smith, Benjamin
Thompson, Col. T. P.
Thornley, T.
Tooke, William
Trevor, hon. G. R.
Wakley, T.
Williams, W.

TELLERS.

Ewart, W.
Warburton, H.

Clause excluded, and Bill passed.

JEWISH CIVIL DISABILITIES' BILL.] The Chancellor of the Exchequer moved the third reading of the Bill, for removing the civil disabilities under which the Jews labour.

Mr. *Arthur Trevor* said, I feel it my duty before a Bill, which will finally unchristianize this House, (for if it pass, it will be quite possible for this House to become a Jewish Sanhedrim), I feel it my duty to give it my most strenuous opposition. Some hon. Members may think it immaterial what is the religious creed of the body representing the people in this House. I cannot concur in that feeling. Nor can I—God forbid that I should offer such an insult to any dissenting Christians, as to place their claims with regard to civil disabilities upon a par with those of the Jews, who deny the birth and the existence of the Messiah. I should like to ask, how can the Jews, if admitted into this House, join in the prayers which are offered up to the supreme Being for a blessing upon our undertakings before we proceed to business? Do they not deny not only the divinity, but the very existence of the Being, in whose name they are offered up. And am I not justified in saying, that by admitting the Jews into this House, you unchristianize this House? You do not merely dissever Church and State; you separate between the State and christianity. I believe I have good ground for asserting, that this measure is looked upon with execration and disgust by a considerable portion of the reflecting community throughout England. I trust I shall find among the Dissenters of my constituents those who will justify me in the course I have taken with regard to it. I do believe, that any man possessing genuine christian principles, must view this measure with disgust. I speak not thus with any feelings of illwill towards the Jews. I believe them to be a peaceful and miserly body of people; but so long as the Christian faith is professed in this country, I do say, that by admitting those who deny that faith altogether—not merely to the rights and privileges of a civil nature, but to the right of legislation in all matters affecting the Christian Church as well as the State, we are doing that which is unworthy of our name, and placing ourselves in a very despicable position in the eyes of surrounding Christian nations. I do trust there will be found some in this House to unite with me in recording their opinion against the Bill in this its final stage in this House. I know, indeed, that from the lateness of the Session it is not likely the Bill will pass into a law this year. But that is no reason why a measure of this kind should pass a yet Christian House of Commons unresisted. I am fully aware that my opposition will be unsuccessful; but it is no reason why we should shrink from a contest, that we anticipate defeat; and I feel that, as one of the representatives of a Christian country, I have a solemn duty to discharge—a duty which I will not be deterred from performing. I consider this a truly disgraceful Bill. As I said before, it will be quite possible, if it should ever pass into a law, for this House to be composed entirely of Jews—no very enviable state of things. I consider it my duty to oppose at its last stage its really execrable enactments. I, therefore, move, that this Bill be read a third time this day three months.

Mr. *Borthwick:* I cannot allow this Bill to pass its final stage in this House, without expressing my strong opposition to it, and my entire concurrence in what has fallen from my hon. Friend, the Member for Durham, (Mr. Trevor) in regard to it. On a former occasion, when I ventured to say, that I opposed this Bill, not as a christian, but as a citizen, I had not time to state why I made that distinction, and it is for that purpose alone I now rise. I do not apprehend any evil to the Church of England from this measure. I believe her to be founded on a rock, which cannot be shaken by any act of this, or any other legislative assembly; and we are too much accustomed to speak, as though we were the protectors of the Church, and as if she were in danger from any acts of ours. But so soon as you admit those, who have been properly represented as deniers of the very God whom we worship, and whom the Church acknowledges, into the legislative assembly of the country you sever at once, and for ever, between Church and State.

Colonel *Sibthorp:* Sir, I am not afraid to divide. I think if the right hon. Gentleman, the Chancellor of the Exchequer, had brought forward so important a measure as this, affecting, as it does, the religion and the institutions of this country, at an earlier period of the Session, so as to have allowed time for proper discussion, he would have acted with greater credit to himself, and given more satisfaction to the country. I agree with my hon. Friend who spoke first, that this measure will be viewed with disgust and dissatisfaction throughout the reflecting part of the community. I believe it will be so among my own constituents. Sir, I have no hostility to the Jews; but I say, that if they are admitted into this House, it will be impossible for them to attend to duties here, with all those forms which are prescribed to ourselves, unless, indeed, they go through them *pro formâ.* I shall certainly support my hon. Friend in his amendments.

Sir *Charles B. Vere:* I consider this a measure pregnant with danger to the Established Church in this country. I hope we shall still continue to be governed by a Christian Legislature, and that our laws will still have the sanction of Christianity upon them. I regret that the Chancellor of the Exchequer did not bring forward so important a measure at an earlier period of the Session. I think that if it pass into a law, our laws will be stripped of that which constitutes the national honour and glory: for I remember the words of a celebrated Frenchman, when comparing the British with the French law, said, the difference was, that the law of England was the law of its religion, the law of France, was an episcopal law.

The House divided:—Ayes 44; Noes 13: Majority 31.

List of the AYES.

Adam, Sir Charles
Aglionby, H.
Bagshaw, John
Bernal, Ralph
Bewes, T.
Blamire, W.
Bowring, Dr.
Brotherton, J.
Callaghan, D.
Chalmers, P.
Churchill, Lord C.
Cowper, hon. W. F.
Dalmeny, Lord
Fergusson, rt. hon. C.
Gordon, Robt.
Grey, Sir G.
Hindley, C.
Howard, P. H.
Hume, J.
Lennox, Lord G.
Lushington, Dr. S.
Macleod, R.
Maule, hon. Fox
Murray, rt. hon. J.
O'Ferrall, R. M.
Palmerston, Lord
Philips, M.
Potter, R.

Rice, rt. hon. T. S.
Robinson, G. R.
Rolfe, Sir R. M.
Scrope, George P.
Smith, B.
Steuart, R.
Tancred, H. W.
Thompson, Col.
Thornley, T.
Tooke, W.
Tulk, Charles
Wakley, T.
Wall, C. B.
Warburton, H.
Williams, W.
Young, G. F.

TELLERS.

Ewart, W.
Hawes, Benjamin

List of the NOES.

Alsager, Captain
Ashley, Lord
Gladstone, Thomas
Lincoln, Earl of
Neeld, Joseph
Price, S. G.
Richards, R.
Ross, Charles
Stormont, Lord
Trevor, hon. Arthur
Trevor, hon. G. R.
Twiss, Horace
Vere, Sir C. B.

TELLERS.

Borthwick, P.
Sibthorp, Col.

Bill read a third time and passed.

BRIBERY AT ELECTIONS.] Mr. Aglionby moved the Order of the Day for the further consideration of the Report.

Colonel *Sibthorp* had opposed the Bill in every preceding stage, and would oppose it in the present. He concluded with moving, that the report be taken into consideration that day three months.

The House divided, when there not being forty Members present, the House adjourned.

HOUSE OF LORDS,

Tuesday, August 16, 1836.

MINUTES.] Bills. Read a third time:—Church Temporalities (Ireland); Slave Owners' Compensation; Slave Treaties; Exchequer Offices (Ireland); Creditors (Scotland) Bills; Common Fields Inclosure.—Read a second time:—Inns and Alehouses; Pension Duties; Poor Law Loans; Coal Trade.—Read a first time:—Exchequer Bills; Consolidated Fund; Copyright; List of Voters; Municipal Funds; Municipal Boundaries; Municipal Jurisprudence.

Petitions presented. By Lord WHARNCLIFFE, from St. Andeon and St. Nicholas, Dublin, against allowing Grocers to sell Spirits; and from Birmingham and Leeds, against extending the time for opening and closing Inns and Alehouses.

GREEK LOAN.] Viscount *Melbourne,* in moving the Order of the Day for the House to go into Committee on the Greek Loan Bill, acknowledged that the subject to which it related was one of very great importance, and, if followed up, would open a variety of views with respect to the foreign relations and foreign policy of this country; but the only question involved in the Bill turned on one point, and was confined to a very narrow compass. He should, therefore, content himself with briefly explaining the grounds on which he meant to move that the Bill should go into Committee. Their Lordships were well aware of the circumstances which led to the separation of the territory of Greece from the dominions of Turkey, under the administration of the noble Duke opposite. A Sovereign was subsequently elected to rule over Greece, and a guarantee, of a pecuniary nature, was entered into, for the purpose of enabling him to undertake that high situation. It was the intention of the noble Duke and of his Government, as Greece was in a most impoverished state, a long war having necessarily exhausted its resources, to give to that country pecuniary assistance in the first place. He did not mean to say, that it was then intended to grant assistance to the same amount, or on the same conditions, as had been afterwards determined on. In coming to that determination it was necessary to look to the new circumstances which had arisen, and it was with a view to those circumstances that this country had become a party to certain engagements. On the 7th of May, 1832, a convention was concluded at London between England, France and Russia, by which the three Powers engaged to supply the Government of Greece with a sum of money, the principal of which amounted to 60,000,000 francs, being 20,000,000 francs each. That convention was laid before Parliament, and was the subject of debate both in that and in the other House. The Act of the 3d of William 4th, which was passed on the 16th of August, 1832, empowered his Majesty to carry into effect the convention of the 7th of May, and under the third section of the Act the first instalment was paid. Prior to this, however, a dispute had arisen relative to the boundaries of Greece; and on the 21st of July, 1832, Sir Stratford Canning concluded a treaty with the Porte, by which the north-eastern boundary of Greece was extended and rendered more secure. By that treaty the Porte consented to cede to Greece the provinces anciently known as Acarnania and Natolia, on the payment of 40,000,000 Turkish piastres. This treaty was soon after ratified, and the payment of the second instalment of the loan guaranteed became necessary. The sum for which the Porte had given up the two provinces was, as he had already said, 40,000,000 piastres, or about 11,220,000 francs, which lowered to that extent the amount of the sum guaranteed by the tripartite convention, to be applied to the internal affairs of Greece. The consequence was, that within a short time the Government of Greece complained, through the Minister of that country, of a great want of funds. It was necessary to provide for the interest and sinking fund of the loan, which required 2,212,000 francs, and it was proposed to advance 6,000,000 francs of the third instalment. Hitherto the three Powers had acted in concurrence, but when the British Minister came to confer with the Minister of Russia on this subject, he found that a very great difference of opinion prevailed. The French Minister was ready to guarantee, on the part of his Government, the third of the remaining 20,000,000 francs, and to allow it to be at once advanced for the service of the Grecian Government, but the Russian Minister took a different view of the matter. He was not willing that the third of the loan which was guaranteed by Russia should be advanced, but he proposed that it should be doled out in such sums as would enable Greece to pay the interest and sinking fund of the loan. Now, his Majesty's Government were of opinion, that the course proposed by the Minister of Russia was open to serious objection. In the first place, it was not conformable to the convention of the 7th of May, 1832, by which it was intended that the sum guaranteed should be applied, in the first instance, to enable the Government to give a firm constitution to the state. In the second place, it would be very injurious, in the present state of Greece, while that state was to be attributed to circumstances which the government could not control. The insurrections which had been excited in Greece rendered a large increase of force necessary, and a consequent increase of expense. This last evil would be best met by the energy, the spirit, and the resolution of the Government, and by the gallantry displayed by the native troops that had been employed to put down those disturbances. In the third place, it was evident that the course proposed by the Russian Minister was contrary to the independence of the Greek nation, because it would enable Russia to keep up a general sort of control over the conduct of the Government and over the finances of the country hereafter. Such a proceeding was manifestly inconsistent with that independent condition in which the policy and the reason of the convention clearly intended that Greece should be placed in. Under these circumstances it was that the present Bill was proposed to Parliament, the object of which was to enable his Majesty to authorise the payment of the third instalment of the loan, without the concurrence of Russia or France. It was not in his power to go into a minute statement of the finances of Greece; but looking to the information of competent persons, looking to the knowledge of those who represented his Majesty in that country, he had every reason to believe, that if peace were preserved, and the government properly administered, that country would be able to meet the charge which it had incurred under this convention. That the government would be advantageously administered he did not doubt, when he looked at the character displayed, the conduct pursued, and the wisdom exhibited, by those who at present possessed the confidence of the King of Greece. The noble Viscount concluded by moving that the House consider the Bill in Committee.

The Duke of *Wellington* said, it appeared to him that it was not necessary to take the occasion of the introduction of this Bill to enter into a general discussion with reference to the foreign policy of this country. A good deal could certainly be said on the subject; but he did not think that it would tend to any useful object to introduce such a discussion at present, nor was it desirable, for various reasons, to be drawn into a discussion of so wide a nature under existing circumstances. At the same time, he must say, that this was a transaction of such a description, that it required some degree of notice. He should, therefore, draw their Lordships' attention to some of the circumstances that were connected with it, and to some of the consequences that might grow out of it—consequences which might prove extremely inconvenient to the country. The noble Viscount had accurately stated the circumstances which led to this transaction. It certainly was in contemplation, in 1830, to make a loan, for the purpose of establishing a government in Greece, and, he believed, on the same plan as was adopted with respect to the loan which was settled in 1832. The Greek state was established under the auspices and influence of the three great powers—Russia, France, and England. It was agreed, that a loan was to be made by the three powers, each guaranteeing a similar amount, each guaranteeing the payment of the principal and interest of one-third of 60,000,000 francs.

It might be said, that each power ought to be at liberty to guide and determine its own conduct with respect to this loan; but certainly, the principle that pervaded the whole transaction amongst these three powers with respect to Greece was, that the proceeding should be carried on by common accord. If there were to be any interference whatever in the internal affairs of any state, it was fit and proper that that interference should be affected by many states rather than by one state. The independence of the state, whose concerns were thus interfered with, would be better preserved by two, or three, or four states, than by one state. Such interference was likely to be less injurious to the power and situation of the state interfered with than if the matter were taken up by a single state. Laying that down as a principle, he contended for this, that the policy of such arrangements, and the policy of this particular engagement, was, that it should be carried into execution (although on the responsibility of each state for its own share of the loan), with one common accord. The first instalment was settled by common accord, the second instalment was made by common accord, and the same principle ought to have been acted on with reference to the third. The noble Viscount, in stating what had occurred just now, had endeavoured to show to their Lordships that he could not obtain the consent of Russia with respect to the last advance to be made to Greece under this arrangement. It appeared to him that proper measures were not taken to induce Russia to make the advance necessary for Greece on that occasion. The first demand made by Greece was for 3,000,000f. Why, he would ask, was not a strong effort made to obtain the consent of Russia to make the advance of her share of the 3,000,000 francs? Why was Russia left out of that part of the negotiation? Why was any encouragement given to leave any part of the sum due in the hands of Russia? If Russia had been called on for her portion, it would be found to amount very nearly to the sum which this country was about to advance under existing circumstances; and the consequence would have been this—that the three powers would now be placed on precisely the same footing, which was the situation in which they ought to stand. They would be thus placed, not only with reference to Greece, but in relation to each other, as well as to the other powers of Europe. But how would it be hereafter? Great Britain would be a creditor of Greece to the amount of 20,000,000 francs, with a claim on the resources of Greece, which must, and would, be pressed for the interest and sinking fund of that amount of debt. Russia, on the other side, would have in hand the third part of 20,000,000 francs, to issue to Greece whenever and under whatever circumstances she thought proper. France was placed in a similar situation. He did not mean to speak with any jealous feeling of France or Russia; but they would be strangely mistaken with reference to the general policy of other states, if they did not conclude that they were giving a great advantage to Russia and France, when they left in their hands the power of making these advances at such times and seasons as they pleased. They no longer stood in any other position but as the creditors of Greece. And, he would ask, was that the attitude in which they should be placed? Was that the situation in which these relations, formed by the convention, should stand? The Emperor of Russia, he was aware, stated, that he kept this money for the purpose of meeting the interest and sinking fund of those sums already advanced by the former instalments of this loan. Unfortunately they had set him the example of walking alone with respect to these engagements. They had set him the example by making a movement without his consent, and without the consent of France; and he was much mistaken if, to aid the purposes of those powers, they would not take the same advantage of their position, to make advances when they thought it most conducive to their interests, and act by themselves, as England had done on this occasion. Though he admitted the propriety of the advance of 6,000,000 francs for the Greek government, yet he could not allow that it was expedient that it should be advanced, and solely advanced, by this country, without the accordance of the other parties.

Viscount *Melbourne* perfectly concurred in the sentiment of the noble Duke, that it would have been better if the three states could have been brought to act together; and he admitted also, that the course which had been pursued was liable to some of the inconveniences which the noble Duke had stated; but, under the peculiar circumstances of the case, this government could only do that which had been done. They had not, certainly, followed up the principle of the arrangement with which this transaction commenced, but they were forced to depart from it by an imperative necessity. He trusted, however, that the course which had been pursued, involved no risk of this country separating her policy from that of France and Russia in respect of Greece.

Bill went through the Committee, and was reported.

Civil Offices' Declaration Bill.] Viscount Duncannon moved the second reading of the above Bill, the object of which was to enable individuals to fill certain municipal offices by making a declaration instead of taking an oath.

The Duke of *Wellington* opposed the motion. He was astonished that a Bill of so much importance, and which affected a great principle, should have passed the House of Commons with scarcely any observation. Their Lordships were taken by surprise, and he would not consent, at this late period of the Session, to proceed with the measure. He should, therefore, move, that the Bill be read a second time this day three months.

Lord *Holland* hoped, that the indulgence meant to be extended to individuals by this measure would not be refused, and that their Lordships would proceed with the second reading.

Lord *Wynford* could not agree to the measure. It was opposed to the principle on which the Test and Corporation Repeal Act was founded. The declaration required by that Bill was, on "the true faith of a Christian," which emphatic expression was omitted here.

The Archbishop of *Canterbury* expressed his entire concurrence in what had been said by the noble Duke and the noble and learned Lord. He was convinced, that when those words were used in the Test and Corporation Repeal Act, they were intended as a religious test, and he did not think that any man who was a Christian could object to them.

The Marquess of *Bute* objected to a Bill of so much importance being brought before their Lordships at so late a period of the Session, when it was impossible to give it that discussion which it required; but as it was before their Lordships, he felt that he could not refuse to assent to its principle. There were, however, parts of it to which he had objections, and those objections might possibly be removed in Committee. If, therefore, the House divided, he would vote for the second reading. He owned that he saw no ground for calling on the name of God, or for any such solemn declaration "on the true faith of a Christian," on the acceptance of a civil office. When the party taking office, made a simple declaration that he would do all in his power to maintain religion, as by law established, it was quite enough, without making a solemn appeal to God. He thought the "declaration" would be much better without the words "in the presence of God, and on the true faith of a Christian," and he took blame to himself, that at the time of the passing of the Test and Corporation Repeal Bill, he did not endeavour to have those words modified. Considering the change which municipal corporations had recently undergone, such a declaration was less necessary than before. Corporations were now little more than commissioners for watching, paving, and lighting their respective towns, and the great object in the selection was, to get the most fit and proper persons for that purpose. Surely, it was not necessary that men chosen for such a purpose, should make a solemn declaration "in the presence of God, and on the true faith of a Christian." He regretted that this Bill had not come up to their Lordships at an earlier period, and he thought if there was any ground for refusing the Bill, that would be a good one, though, as he had said, he did not intend to avail himself of it. If he were disposed to oppose the Bill, he should not feel deterred by the remarks made about their Lordships throwing out Bills. He thought that they would consult the advantage of the country, if they rejected many other Bills, which had been sent up to them, in order to correct the present practice of sending up a number of important Bills, at a period of the Session, when it was impossible to give them mature consideration. Here were a parcel of Bills laid on their Lordships' table in the middle of August when, as he had said, it was impossible to have them discussed with advantage. Such a system, would, however, he had no doubt, effect its own cure.

Their Lordships divided on the original motion: Contents 27; Not-contents 43: Majority 16.

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Lord Chancellor

DUKES.

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Westminster
Bute

EARLS.

Albemarle
Chichester
Charlemont
Ilchester
Leitrim
Minto

VISCOUNTS.

Melbourne
Duncannon
Falkland

BARONS.

Saye and Sele
Dinorben
Ducie
Mostyn
Barham
Strafford
Foley
Gardner
Templemore
Holland

Bill put off for three months.

CORPORATE PROPERTY (IRELAND).] The House went into Committee on the Corporate Property (Ireland) Bill.

On the 1st Clause,

Lord *Lyndhurst* said, that he had some amendments to propose. The purport of them was to prevent the alienation of Corporate property in Ireland till the 1st of September, 1837, or till such intervening time, as Parliament might otherwise provide, except such alienation as might be the consequence of *bonâ fide* contracts, entered into before such date as their Lordships might fix in the Bill, and also excepting such alienations and disposition of property, as might be necessary to carry on the business of the corporations. He would move those amendments, without intending any discussion on them at present, but have them printed with the Bill, and their discussion could be taken on a future day, on the report. He would also object to some words in the preamble, to which he had stated his objection yesterday. He hoped, as this was a sort of compromise between him and the noble Viscount, that the noble Viscount would not object to the omission of those words in the second clause, "or any future reformation of such corporations." Those words would seem to imply that such a measure was intended.

Those words were, on the motion of the noble and learned Lord, struck out. The clauses were agreed to, and the House resumed.

PRISONERS' COUNSEL BILL.] Viscount Melbourne moved, that the Commons' Amendments to the Amendments of the Lords to this Bill, be taken into consideration.

Lord *Lyndhurst* moved, that their Lordships do adhere to those amendments to the Bill, which the Commons had struck out. The Lords had struck out that part of the Bill, which would give to the counsel of the prisoner the last word. In supporting the general principle of the Bill, when it came up from the other House, he was anxious to get rid of the anomalies which existed in the trial of prisoners. The other House had, however, set up another anomaly. The usual practice in our civil courts was, that the accuser should prove the affirmative of his statement, that the accused should reply, and then that the accuser should set the matter to rights, as consistent with his original statement. The Commons had, however, given to the accused, the right to have the last word in every case, except cases of treason, or misprision of treason. Now, this was an anomaly as great as any they sought to correct, for if there were any case in which the prisoner ought to have greater latitude extended to him than another, it was that of treason, yet that was the only case in which the accused was deprived of the advantage of the last word in addressing the jury. Another anomaly was this:—In the case of an assault, a man might proceed by indictment, or by civil action. In the former case, the defendant's counsel would have the last word to the jury; but in the civil action, arising out of the same case, the last word would be not for the defendant, but the plaintiff. For these anomalies, and for the reasons which he had stated, when the measure was formerly under discussion, he hoped their Lordships would adhere to the amendments they had made.

The *Lord Chancellor* regretted, that his noble and learned Friend should feel disposed to persevere in the amendments which he had moved, for, from what he had heard, he believed it would cause the loss of the Bill in the other House, and he should be sorry to see a measure defeated the principle of which had been so generally approved of. He, himself, could have wished that the clause in the Bill, as it came from the Commons, had been somewhat differently framed, but he did most fully approve of the principle of the prisoner's counsel having the last word in addressing the jury. The practice in civil cases, where the defendant's counsel was obliged to forego the examination of witnesses, and thus keep the means of ascertaining the whole truth from the jury, in order to deprive the plaintiff's counsel of a reply, was a very bad one. He was opposed to any practice which would keep a knowledge of the whole truth from the jury. He did hope, that rather than risk the loss of the Bill, his noble and learned Friend would give way.

Lord *Wynford* said, he should be sorry to lose the Bill; for, on consideration, he gave his cordial assent to its principle; but, whatever the consequence might be to the Bill, he thought their Lordships ought to adhere to their amendments, which he considered of vital importance.

Lord *Wharncliffe* would vote for the Lords adhering to their amendments.

Lord *Lyndhurst* thought it was not regular in any noble Lord, and still less so in the noble and learned Lord on the Woolsack, to suggest the course which might be taken by the other House as a ground for influencing their Lordships' opinions. Their Lordships could not know prospectively what course the other House might take in consequence of any act or proceeding in their Lordships' House, and therefore should not be in any way influenced by it.

Lord *Holland* said, it was not irregular to speculate on what the other House might do in any particular case, but there was an irregularity which was regularly committed every day amongst their Lordships, which passed without notice. It was that of alluding to what the Commons might do in case of their Lordships interfering with money Bills. This was certainly irregular, for though he admitted that it was prudent in their Lordships to abstain from doing so, yet he must add, that their Lordships' right to do so was one which they never had conceded. If the noble and learned Lord persevered, he supposed this Bill must be lost, but it did not surprise him. The noble and learned Lord was now quite used to the practice of throwing out Bills. He began by throwing out those of others, and he was now ending by throwing out one of his own.

Lord *Lyndhurst*: Not my own, I do not object to the Bill, but to the incrustation which it got elsewhere.

Commons amendments disagreed to and a Committee appointed to draw up reasons to be communicated to the Commons at a conference for not agreeing to their amendments.

TITHE COMPOSITIONS (IRELAND.)] Viscount *Melbourne* moved the second reading of the Irish Tithe Compositions Bill. Their Lordships would recollect, he said, that in the year 1833, a great expectation was entertained of the tithe question being settled, and under that impression an Act was introduced, empowering the Lords of the Treasury, out of the million allocated to them for that purpose, to advance sums to those who had been defrauded of their tithes, and kept from that which was lawfully due to them in the shape of property. A great many individuals received assistance, and observations had been made elsewhere upon the names of those to whom relief had been thus afforded, which he thought very unjust, and which must have arisen from a great misconception of the Act. It had been erroneously considered as only intended to relieve the clergy; but its great and material object was to prevent the continuance of litigation upon the subject. The parties owning this species of property had only one of three courses to pursue—to seek for the recovery of their tithes by the ordinary and legal means—a course from which the Parliament and the Government dissuaded them—entirely to abandon their claim for tithes, absolutely giving up their property without any equivalent for it—or to take the relief afforded to them under that Act. It could hardly be expected that they would abandon their tithes altogether; the first course was contrary to the policy of the Legislature. The observations that had been made, therefore, upon those who adopted the third course, originated in a misapprehension of the objects for which the Act was passed. Their Lordships were aware that in the Act for settling the question of tithe a clause was introduced for remitting the million loan in certain cases. That Bill having failed, it was the object of this Bill to give a discretion to the Lords of the Treasury to proceed for the recovery of what was advanced, with certain exceptions. For example, if persons had received the tithes of 1834 and 1835, and had also received the loan for those tithes, there was no reason why the Treasury should not call upon them to repay the advances made to them. The noble Viscount concluded by moving the second reading of the Bill.

The Marquis of *Westmeath* said, that a great many misstatements had gone abroad with respect to the loan under the last Act. It was not, as it had been stated to be, a loan to the clergy exclusively; for it was distinctly stated in the House of Commons that lay impropriators might avail themselves of the loan, and they had done so; and the Treasury could not have advanced money to them unless a majority of the House of Commons (but he did not think any division took place on the question) had made it lawful to do so. The noble Viscount had referred to the obloquy which was thrown upon those lay impropriators who had availed themselves of the loan. If he (the Marquess of Westmeath) understood the matter rightly, the Lords of the Treasury were not to call upon any persons for the tithes of which they were deprived in 1833, unless they had received the whole or the greater part of the tithes of 1834 and 1835. Why, those persons were excluded by law from recovering the tithes of 1833, and were they now to be called upon to pay that of which they had not received one farthing, and which they could not now possibly recover? If that was the intention of the Bill, he must say that it was most unreasonable; but he took it for granted that the Lords of the Treasury would not misuse the power intrusted to them. With respect to the repayment of the loan, he thought that the provisions of the Bill were just—but he protested against the Treasury having a discretionary power to sue for the tithes of 1833. Neither the law nor the state of the country had permitted those tithes to be collected.

The Archbishop of *Armagh* sai , it is not my intention to offer any opposition to the Bill in its present stage, because I do not wish to take upon myself the responsibility of the rejection of the Bill. But it appears to me to be founded in injustice, and I trust, my Lords, that you will be of the same opinion when I state, that it gives a freedom to persons who have disobeyed the laws and refused to pay the legal demands made upon them; while it punishes those who have obeyed the laws and who have paid their just debts. For instance, in parishes where the landlords and tenants have paid the clergyman, where the parties have paid the composition rent, this Bill authorises and directs the Lords of the Treasury to sue that clergyman. Then, in parishes where no payment was made, the parties are to be exempted from any demand. Now that is not the usual course of legislation; and it must be injurious to any country, but particularly to a country situated as Ireland is; it is an encouragement to people to disobey the laws. It is most unjust to the clergy, because if, for instance, the income of a clergyman was 500*l.*, and he received an advance of the loan to that amount, he must pay the whole, although he succeeded in obtaining only 250*l.* That does not seem to me to be just. I leave it to his Majesty's Ministers to say, whether they would persist in carrying this Bill into effect, in a state which would render it not only unjust, but, most probably, inoperative.

Lord *Hatherton* said, the Act of last year was expressly designed for the relief of lay impropriators as well as the clergy, and he thought it unjust to cast any obloquy upon them for availing themselves of the relief afforded by that Act. It was equally unjust to compel the parties who had done so to repay those instalments which, by law, they were prevented from recovering.

The Marquess of *Downshire* agreed in what had fallen from the right rev. Prelate and the noble Lord who had spoken last. He thought it highly desirable that this matter should be set at rest, and that it would be very unjust to deal in the manner proposed towards the lay impropriators who had very fairly and properly availed themselves of the Million Act, because from what had passed in Parliament at the time of the passing of that Act there certainly was a declaration made, that tithes should be altogether done away with, and that induced many persons, especially in the south of Ireland, not to pay tithes at all. He thought it necessary that measures should be taken to prevent any recurrence to vexatious proceedings. As one of the persons who had derived benefit from the Million Act he felt bound to say, that he was very thankful for the assistance he received from it.

Viscount *Melbourne* said, that the Act was passed for the relief of the clergy generally, and, therefore, it was not necessary that they should have received any particular tithes to render them liable under this Act; but if they had received any part of the loan at all, and had received property to such an extent as to enable them to repay the loan, it did not seem to him unfair to call upon them for repayment.

Bill read a second time.

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HOUSE OF COMMONS,

Tuesday, August 16, 1836.

MINUTES.] Bills. Read a third time:—Consolidated Fund Appropriation; Exchequer Bills (14,007,950*l.*); Copyright; Borough Justice Administration; Borough Boundaries; Borough Funds; Grand Jury Presentments (Ireland); List of Voters; Convictions.—Read a second time:—Grand Jury Presentments (Ireland).

Petitions presented. By Dr. BOWRING, from Inverness, for the dispatch of a Mail daily from London to the North.

CAPTAIN EDWARDS.] Sir *Edward Codrington* presented a petition from a Mr. Edwards, complaining that a deceased brother of his, a Captain Edwards, had been struck off the half-pay list in consequence of his refusing to pay a debt of 72*l.*; and praying that copies of the correspondence which took place on the subject might be laid before the House. The petitioner stated that his brother really owed only 12*l.*, and that he offered to pay that; but that the Admiralty, refusing to take his explanation of the matter, had struck him off the half-pay list. The gallant Member said, that he could not vouch for the truth of these statements. One thing was certain—that the accused was not confronted face to face with his accuser, as should have been done. The petitioner complained, and he thought justly, of the interference of the Admiralty in a question relating to a private debt. The petitioner added, that his brother having been deprived of his half-pay, was thrown into gaol, having no means then to pay his debts; and that he died from the effects of a wound which he had received in fighting the battles of his country. The petitioner, in conclusion, prayed that the papers and correspondence in the case should be laid before the House. This was one of those cases, of which there were many, which he felt it his duty to bring under the notice of the House, and which loudly called for investigation.

Mr. *Hume* highly approved of the course adopted by the gallant Admiral. It was an improper exercise of the prerogative of the Crown to deprive any officer of his commission without trial.

Mr. *Charles Wood* would not on that occasion go into the general question as to the right of the Admiralty to exercise such a power. His gallant Friend had stated, that it was impossible that a fair investigation could take place without having the accused and the accuser face to face. Now, it did so happen that no case could have been clearer than that of Mr. Edwards. He had given his word of honour as a gentleman to pay this money; and when called upon to state why he did not do so, he admitted distinctly, in a letter to the Admiralty, that he did not do so. He then offered some circumstances as an excuse; but they were not considered sufficient by the Admiralty. The fullest opportunity was given to him to clear himself. He sent a long explanation to the Admiralty, but it was not considered sufficient; and the Admiralty, in striking him off the half-pay list, stated to him distinctly that he was struck off upon the very grounds that had been admitted by himself.

Sir *G. Sinclair* said, that if that House was to exercise an appellate jurisdiction in such matters, it would not be able to get through its business, even by sitting from the 1st of January till the 31st of December.

Mr. *Wakley* said, that one great evil of this system of private investigation was, that the public were deprived of all means of judging whether the decision had been right or wrong.

Sir *E. Codrington* said, that the hon. Secretary had made a statement of the facts of the case. Why, then, should he oppose the production of the papers on which that statement was founded? He wished to know whether the hon. Secretary would oppose the production of the papers in the cases of those petitioners whose petitions he (Sir E. Codrington) had lately presented to the House?

Mr. *C. Wood* would give the gallant Admiral an answer when he brought forward his motion next Session.

Petition laid on the Table.

AGENTS FOR PRIVATE BILLS.] Mr. *Hume* said, that in the course of the present Session arrangements had been made by which the duties which were performed by officers of that House in connexion with the business of Private Bill agents, were put an end to from the commencement of next Session. In the course of the inquiries of the Select Committee on the House of Commons' offices, it was found that individuals acting as Private Bill agents had not fulfilled the engagements of the House by paying the fees on different Bills. It appeared advisable to the Committee that the present system should be altered; but nothing was farther from the wish of the Committee than to establish anything like a monopoly. The following paragraph was accordingly to be found in the third Report of the Select Committee on Printed Papers :—"Whilst your Committee agree with the Committee of 1833, and have elsewhere recommended that no officer of the House be allowed in future to conduct any private business as agent for Private Bills, or as agent at Election Committees, it appears desirable that agents so employed should be in some degree answerable to the Speaker and to the clerk of the House for correct conduct, and for their observance of the rules and orders of the House; but your Committee are of opinion, that evil instead of good would accrue to the community, if anything approaching to a monopoly or restriction of the number of agents should be produced under the recommendation they have offered." Any Gentleman who had had to transact private business must have felt the inconvenience that arose from the ignorance on the part of agents of the forms of the House, and also from the class from which they were often selected. The Committee considered it important that the officers of that House should have nothing to do with the conduct of the private business before it. The House, in making that very wise alteration, had made a considerable pecuniary sacrifice, in consequence of giving ample salaries to those officers who relinquished their private business, and compensation for their salaries to those who had retired, rather than give up their business as private agents. The Committee were most anxious that it should be clearly understood by the public, that no person filling the situation of servant to that House had any longer anything to do, directly or indirectly, with the conduct of the private business before it. The hon. Member concluded by moving the following resolution :—"That this House do agree with the Committee in their opinion as regards agents conducting or attending on the private business of this House; and that Mr. Speaker be requested to prepare such regulations as he may think best calculated to carry into effect the recommendation of the Committee."

The *Chancellor of the Exchequer* entirely approved of the course taken by the hon. Member for Middlesex. He was quite sure the House would have perfect confidence in leaving the matter in the hands of the Speaker, to consider what regulations should be imposed upon the agents, which would give security to the public.

Mr. *Wilks* thought the recommendation of the Committee ought not to take effect until the next Session of Parliament.

The *Chancellor of the Exchequer* could not agree with the hon. Member opposite (Mr. Wilks) that these regulations were not to take effect until the next Session of Parliament. If they were not now adopted, and acted upon, parties applying for Bills might very fairly say, that they were legislating *ex post facto*, and the House could not, under such circumstances, avail themselves of the advantages derivable from the plan.

Mr. *Wilks* thought it would be imposing a heavy burden upon the Speaker to compel him to give effect to those regulations. Independently of this objection, they should not be brought forward at that late period of the Session.

Mr. *Hume*: The hon. Member for Boston was himself a party to, and approved of, the paragraph in question. It would be time enough when the House met next year to make alterations if there were anything objectionable in these resolutions.

Resolutions were agreed to.

CANADA.] On the Order of the Day for bringing up the Report on the Public Works (Ireland) Bill,

Mr. *Hume*, in pursuance of notice, called the attention of the House to the petition from the House of Assembly of Upper Canada. He first noticed the Address of the Executive Council to the Governor, Sir F. Head, and his subsequent declaration, notwithstanding the remonstrance of the House of Assembly, to act without the aid of a Council, although it was required by the 31st of George 3rd, that such a Council should be appointed, in order to assist the Governor with its advice. The House of Assembly had itself subsequently been dissolved; but whether Reformers or Tories were returned to the new House, the principle of the resolution he (Mr. Hume) intended to submit would remain unchanged. The great ground of complaint was, that no union or harmony had hitherto existed between the House of assembly and the Council; so that during the twelve years preceding the last, out of 176 Bills, only twenty-nine had been passed into law. In the last year, out of 115 Bills, only thirty-two had been passed into law. The great object of the petition was, that the Council selected by the Governor should consist of men of principles accordant with those of the majority of the House of Assembly. It had been agreed to by fifty-one out of fifty-three Members: the fifty-one Members represented 301,000 persons, and property to the amount of 4,000,000*l.*; while the two Members constituting the whole minority represented only 22,000 persons, and property to the amount of 224,000*l.* The last address to Sir F. Head, requesting him to appoint other councillors, had been carried by thirty-two to twenty-one. The hon. Member read various extracts from public documents, to shew the intemperate manner in which the Governor had replied to addresses from various parts of Upper Canada, and particularly dwelt upon his refusal to take any steps for the suppression of Orange lodges, although he knew at the time of the resolutions of the House of Commons, of the reply of the King, and of the determination of Ministers upon the subject. He complained also of the undue means employed by Sir Francis Head, to influence the pending elections, and to procure the return of Members to the House of Assembly favourable to his view of the affairs of the colony. Whatever might be the result of the contest, it would not redound to the credit of the Governor, who had unfairly employed the patronage he possessed, and the consequence of it would be a popular reaction, which, instead of healing the wound, would widen the breach between parties. He did not know whether Ministers would assent to his resolutions, but he wished to hear from the Under Secretary for the Colonies the view Ministers took of the subject, and the probability that existed of their adopting some course to produce an amicable arrangement of differences in the colony. He concluded by moving the following resolution:—"That it is the opinion of this House, that the provincial Government of his Majesty's province of Upper Canada, ought, agreeably to the Act 31 George 3rd, c. 31, and the royal instructions, dated 1818, to be conducted by his Majesty's Lieutenant-Governor, by and with the advice and assistance of an Executive Council, composed of men possessed of the public confidence, and whose opinions and policy should be in harmony with the opinions and policy of the people of that province, as declared by the majority of their representatives in their House of Assembly, by which the contentment, peace, and prosperity of that important province will be increased, and the willing and loyal attachment of its inhabitants to the mother country be best promoted and secured."

Sir *George Grey* was sure, that even the hon. Mover would not expect him to go at large into this important subject when the House was within a few days of a prorogation, and when not more than about forty Members were present. The resolution of the hon. Member went to alter most materially the Constitution of Upper Canada, and no doubt many were absent who, at another period, would have been anxious to take part in the discussion. He would, however, make a few remarks, principally in justice to Sir Francis Head. First, he would mention, as Sir Francis Head had himself stated, that he had no power to alter the Executive Council in the mode required by the House of Assembly. The Constitution of that body, as well as of the Legislative Assembly, was at this moment under the consideration of Commissioners, and he apprehended, that before this House expressed any opinion it would wait for their Report. In the dissolution of the House of Assembly Sir Francis Head had taken the course the law pointed out when that body had refused the supplies, and when the Governor, from the addresses he received, had reason to think, that it did not represent the sentiments of the majority of the people. The result of the elections had confirmed him in the propriety of the course, for although the new House of Assembly had not met to record its opinions, the individuals composing it were, in many instances, different from those who had formerly been returned. As to the charge that undue means had been resorted to by Sir Francis Head to influence the elections, he (Sir G. Grey) had no information which enabled him to deny it, excepting that such a proceeding was directly contrary to the instructions of the Governor, which were upon the table, and to which Sir Francis Head had always professed most strictly to adhere. A comparison of dates would show, that the hon. Member was mistaken in the accusation he had made, founded upon Sir Francis Head's declaration with respect to Orange lodges. He was not then acquainted with the resolution of the House of Commons, and with the reply of his Majesty to the Address. Under all the circumstances, he (Sir G. Grey) hoped that the hon. Member would see the propriety of not pressing his resolution to a division. It was desirable, at least, to wait to see what course would be taken by the new House of Assembly, and what ulterior measures would be adopted by Sir Francis Head for the remedy of those grievances which he was appointed to remove.

Resolution withdrawn.

Affairs of Spain.] Mr. *Grove Price* rose to call the attention of the House to the state of affairs in Spain. He never addressed the House under so great a degree of excitement. Within the last few days events had been such—so fearful and so disastrous—that he did not wish to see the Parliament prorogued without expressing some sentiments upon this fearful prospect. The hon. Member referred to the affairs of Spain for the last few months, to show that it was impossible to form a moderate party in Spain. There were but two parties in Spain, and it had been, and would be, impossible to form a third. He was glad that those of the Stock Exchange who had been trafficking in the distresses of the country were likely to be disappointed, for he was sure that the bonds that had been entered into would never be paid. No common responsibility rested on his Majesty's Government for the tone of triumph they had displayed on this subject. The next matter was, that there was no third estate—no House of Lords—it had no connexion with the old Cortes—it was an exotic in Spain, and would never take root in the country, even watered as it had been by so much blood. The best Government for Spain was that which would meet with the accordance of the intelligent classes. Such a Government never yet had a trial there. The Constitution of 1812, was now the Government to be set up. He rejoiced at this for one reason, namely, that those who, on the Stock Exchange of London, had been so long trafficking on the miseries of that country were likely to be dispossessed of their ill-gotten gains. If these speculators could gain but a half per cent. they cared little what sufferings they inflicted upon others. There were many who staked their all in these securities—on the credit of his Majesty's Government; and no common responsibility rested on the Government for the tone of triumphant expectation in which they spoke of the affairs of the Queen. The same tone was held by part of the public press, which, in their leading articles, spoke of the resources of the Queen as inexhaustible, of her generals as brave and skilful, and of the Spanish people as friendly to her cause. He felt confident that not one shilling of these loans would be paid, and that they who advanced their money would have nothing for it but blurred and blotted pieces of paper. Now, what were the main, the leading features of this boasted Constitution of 1812? First, there was universal suffrage. This might please some hon. Gentlemen opposite, the hon. Member for Finsbury or others, who had not studied the lessons of history, and had not yet had much experience in the workings of the British Constitution. He looked upon universal suffrage as a great evil. But this was not all; for by the Constitution of 1812, there was an intermediate election. In this the electors had, in fact, no immediate connexion with their representatives. The representatives under the Constitution o 1812 were few in number, greedy, attending only to their own interests, and caring nothing for principle. It was a system which, to the evils of oligarchy, superadded all those of a fierce democracy. This system was tried in France; but it lasted only ten months. In the third place, this Constitution of 1812 recognised no religion but the Roman Catholic. Now, after all the discussions they had had for years in that House on freedom of conscience was there one Member in it who could be friendly to a Constitution like this? The English Government of that day never approved of this Constitution. It was left for some future Government to do that. The conduct of the Cortes under that Constitution was the subject of much complaint in England, because they attended so much to local and so very little to general interests. The hon. Member for Kilmarnock laughed. Did he know, that even the divine Arguelles himself, never went to the Cortes without being armed with a dagger to protect himself? Arguelles himself mentioned this to a friend of his. Under that Constitution there was no Upper House. It was, in fact, an exotic plant that never could flourish in Spain. The Cortes was to be triennial, and the royal authority would have no veto. This Constitution was hostile to the wishes of the Spanish people, and whoever supported it could not be an admirer or supporter of the British Constitution. There were times when it became necessary to support a Government against the democratic principle. Ferdinand was placed on the Throne without a blow having been struck for the Constitution. In 1820 some difficulties arose. Mendizabal excited rebellion in Spain. He was called from the Stock Exchange of London to manage the finances of that country. He recently went over a second time, and was placed at the head of affairs. It was disgraceful to see a man taken from the Stock Exchange of London, and made the First Minister of a great country. It was said, he did not know it to be so; but it was said, that he was the great agitator in the present commotions. The Queen was torn in pieces between two contending parties. She was scarcely Queen *de facto*. What hope was there for her cause when one-third of Spain was in the hands of the Carlists, and the rest under the control of the disaffected? There was only one hope for Spain, and that was, to recognize the legitimate claims of Don Carlos. The classes most hostile to them were Radicals and Republicans. From 1820 to 1823, Spain was disgraced by more atrocities than ever took place in any country, except, perhaps, during the French revolution. A libel was written by the Canon Vinuesso (as we understood). He merely recommended in it that the Constitution should be settled upon the principles of the old system. He was sentenced to the gallies for ten years, and after that dragged out by a band of assassins and butchered. Did the hon. Member (Dr. Bowring) hear of him? Did he hear of the Bishop who was shot by order of Mina? Did he hear of the massacre of Corunna, where fifty-two persons convicted of offences not capital, and forty-two others, were placed in a vessel, two by two, sabred, and then thrown into the water? Such were the happy days of the Member for Kilmarnock. And so now they had popular freedom again in Spain, with humanity and justice by its side. When men once lost their respect for morality and religion, when the laws were not enforced, there was no longer any Government. He would repeat, there was no chance for Spain, but in recognising the claims of Don Carlos. He was a man of firmness. They might be sure he would not yield while the least hope of success remained. He proved this, when Napoleon came to Spain. He then said, "My brother Ferdinand may resign his authority; but I never will give up my rights." Couple that with what has since occurred, and it proved that he was of a resolution never to yield. His sanguinary decree, as it had been called, was often alluded to. The fact was, that in issuing such a decree, he acted upon laws which long existed in the Basque provinces. According to these laws, no foreign troops, whether during war or otherwise, could enter those provinces without incurring the penalty of death. And the same law applied to the people of the other provinces of Spain. It was death to enter those provinces in arms. He should like to know what course Government meant to pursue under the present circumstances of Spain? He hoped, at least, that they would not sacrifice both the honour and the means of the country. If they connected themselves with the Constitution of 1812, they must form an union with the woman-killer, Mina, and with the assassins of Barcelona and Corunna. He begged pardon for trespassing so long on the time of the House. His excuse must be that he felt strongly for the state of Spain and for the honor and interest of this country. No man desired more the success of good principles and of a legitimate Government in Spain than he did. The hon. Member concluded by moving, "That the dispatch or dispatches of Mr. Villiers, announcing the proclamation of the Constitution of 1812 at Malaga, Saragossa, Cadiz, &c., and the recent events at Madrid, be laid on the table of this House."

Dr. *Bowring* contended, that the constitution of 1812 was not opposed to the ancient usages of Spain. The hon. Member had referred to the conduct of a distinguished friend of his, General Mina. Now he could state that General Mina had assured him that he was not at all the cause of the death of the mother of Captain Cabrera, except having signed officially the warrant. But when the conduct of individuals was adverted to, he might be permitted to say, that although it was no argument to urge the conduct of one man against that of another, yet, if severity on the part of men told for anything, he was fully warranted in asserting that the charge told with much greater force against the adherents of Ferdinand, for, to his own personal knowledge, the commander-in-chief of Ferdinand kept a gallows constantly erected in the market-place of Valencia, where scores, nay, hundreds, were hanged by his orders, without any legal form of condemnation. The real cause of the anxiety felt by the hon. Gentlemen on the opposite side of the House was, that they felt that the hopes of Don Carlos would be crushed by the triumph of the Liberal party in Spain. Of this he was quite certain, that the progress of good and liberal Government in Spain deeply concerned the interests of the people of this country.

Captain *Boldero* did not think that the British auxiliary force in Spain had sufficient strength to stem the current that was running against them. They were badly appointed, badly paid, badly fed, and badly clothed. He hoped that Lord John Hay would be directed to issue rations to the men, in order that they might not be starved. His opinion of the parties in Spain was, that Don Carlos, with the claim of legitimate right on his side, and the Queen, with the force of arms on hers, were about to be crushed by a third party that had arisen in that country. The quadruple treaty had therefore fallen to the ground. One of the conditions on which the men had entered the service of the Queen of Spain was that they might terminate their engagement at the end of the year. It, however, appeared that three month's previous notice was required. An error had, therefore, occurred; but the error was not on the part of the soldiers, but on the part of the Queen's Government, and the poor men were made to pay the penalty. The Prime Minister of the Queen of Spain had put a false construction on the treaty. He recollected that it had been said that the man who put a false construction upon a treaty was a puritanical impostor. He felt a high respect for General Evans. The valour and skill which he displayed before the lines of San Sebastian made him feel proud that he was a Briton; but what had been the result of the sacrifice of so many officers and 800 fighting men? The noble Lord, the Secretary of State for the Foreign Department, on a former night stated that the British Marines were not under the command of the Queen of Spain. How did it happen, then, that Major Owen acted under the command of the Quarter-master-general? There was no such person as a Quarter-master-general in the British navy.

Viscount *Palmerston:* It is not unnatural that the hon. Member for Sandwich, who takes so lively an interest in the affairs of Spain, should take an opportunity, at the close of the Session, again to record the opinions which he entertains, both of the merits of the respective contending parties, and of the probability of success on the one side and on the other, and I am not aware that in the observations made by the hon. Member, there really was much to call for any reply on my part. The hon. Member has repeated the opinions which he is well known to entertain; he has repeated the predictions which he has already made. With regard to his opinions, they are no doubt founded in such sincerity on his part, that, however I may differ from them, I feel they are entitled to respect. With regard to his predictions, they will be judged of by events, as his former predictions have been judged by, and by those events the hon. Gentleman is no doubt prepared to abide. I say, then, that the hon. Gentleman will not expect me to follow him into a discussion of the merits of either the claims of Don Carlos, which we do not admit, because the Spanish nation do not admit them, or the merits of the royal statute, of which, as far as a stranger of Spain may form an opinion, was an approximation to a good form of government in that country. Neither will he require me to discuss with him the merits or demerits of the Constitution of 1812, which also, if I may venture to express an opinion, does not seem to me a form of government which could be practically carried into execution, and which, even if it were established for a moment by the general concurrence of the nation, yet for the sake of permanent tranquillity, it would be indispensable to make in that constitution great and fundamental alterations. But these are questions which concern Spain and Spaniards, and which we are not called upon to decide. I most sincerely wish and hope, that the Spanish nation may acquire free institutions. What the particular form of whose constitution shall be, it remains for them to decide. But judging, as the hon. Member wishes us to judge, from the lessons of history, and from the experience of former ages, and judging also from those general principles which one is in the habit of applying to human affairs, I certainly am far from thinking that anything which has lately occurred ought to lead me to believe that the Carlists and a despotic Government are more likely than they were to be established at Madrid. The hon. Gentleman has said, that the history of Spain shows how unwise it is to endeavour to anticipate events, and to force prematurely upon a nation, institutions for which they are not ripe. I say, Sir, the history of Spain shows, and is one additional example to many which the history of the world affords, that if, on the one hand, it is unwise to force with too great rapidity, changes on a nation, it, on the other hand, is most unwise and most dangerous to stop and arrest the natural progress of improvement, and to attempt to make the social condition of man stationary, and that those who do so, as the Spanish Government in former times has done, are sure to entail great disturbance and great evils on future generations. The recent history of Spain shews, at all events, this great truth, that nothing is so dangerous on the part of a Sovereign as to break faith with his people. Ferdinand did break faith with the Spanish people when he returned to his throne in 1814. He publicly announced, that if he could not adopt the Constitution of 1812, he would at least take steps to give to Spain a free representative government. That promise was broken. He objected to the Constitution of 1812, which I think he might fairly, and not unreasonably, have objected to. But he endeavoured to establish a pure despotism in the country; and the history of the consequences which ensued, show that no Sovereign can break faith with his people, without discredit to himself, or without interfering with the future tranquillity of his country. The hon. Gentleman has expressed himself in a manner altogether unjustifiable, with reference to a person who was lately at the head of the Spanish Administration, M. Mendizabal. Having been in political relations with that individual, I should think I was not discharging my duty in this House, if I did not say, that I believe that in all the transactions in which that minister has been engaged, his character has been unsullied, and that he has shown, and shown too at great personal sacrifice, that he is devotedly attached to the welfare and interests of his country. The hon. Gentleman has undertaken the defence of Don Carlos's Durango decree. He has said that, however he condemned the limits of the bloody character of that decree, that it was issued in deference to the ancient laws of Biscay, and that Carlos had no discretion when it was forced upon him, except giving his sanction to its execution. Now, when the hon. Gentleman makes a defence of this decree, upon the ground of its being in accordance with the laws of Biscay, let me ask him, where were the laws of Biscay, and where was the absolute necessity to enforce these laws, when Don Carlos consented to the Eliot convention, because he stated that it is not only death for any man, not being a Spaniard, to put to death a soldier within the province, but that it was death also for any soldier, not belonging to the province to do so? If, then, that law justified the decree of Durango, it ought to have concluded Don Carlos against consenting to the convention with Captain Eliot, according to which convention Spanish soldiers, not belonging to the province of Biscay, taken prisoners within that province, were to be released. But I say, that if there is such a law, that law is "more honoured in its breach than in its observance." It is possible that Don Carlos might drag forward some musty records, some local, provincial laws, which, in a barbarous state of society, might justify acts which modern civilisation ought to teach every man to avoid and condemn. Therefore it is no justification of Don Carlos, even if it were true, that in the ancient records of the province of Biscay, any obsolete law might be found which would bear such a construction as has been attempted to be put upon the Durango decree. The hon. Member who spoke last had stated, that he gave me another opportunity of correcting my recollection, if it had happened to have deceived me, as to the fact of the marines under Lord John Hay not being placed under the command of the General of the Queen of Spain. I think I am confirmed in the statement I made by what the hon. Gentleman has himself said; for he has stated that Major Owen was requested by the Quartermaster-general of the Queen's troops to take a certain position, and that Major Owen complied with that request; that in the course of the day another order was issued to the Major to take up another position; but that Major Owen, not considering himself justified in placing himself in that position, declined to comply with the request made to him. That was a distinct proof that Major Owen was not under the command of General Evans, because, if he had been, it would not have been a request on the one part, and a declining to comply with it on the other, but it would have been an order by which, as a military man, it would have been his duty to abide at whatever hazard. I state, therefore, the fact, that whether the hon. Member thinks the marines are properly or improperly employed, they are employed under the command of Lord John Hay, and are not under the authority of the Queen. The only thing that is clear from what has passed this day, and, on other occasions, is that hon. Gentlemen on the other side of the House have set their hearts on the success of Don Carlos, and on the re-establishment of a despotic Government in Spain. Whether it is by being told that the decree of Durango is to be a little palliated; whether it is by misrepresentation that the British auxiliaries in Spain are in a state of insubordination, mutiny, and starvation; whether it is that we are told that the Carlists are traversing the whole country with ease, meeting with no impediment in the provinces; whereas, they have returned without meeting the slightest encouragement during their long march. To whatever part of the transactions in Spain hon. Members opposite apply their remarks, the whole drift of their observations seem to be this, that the cause of the Queen of Spain is hopeless, that Don Carlos must succeed, and that Spain is destined not again to enjoy the advantages of constitutional freedom. When Gentlemen are so anxious to repeat their opinions and their prophecies upon a subject, we are at least entitled to think that their wishes do not differ from their predictions. Now, I say, my wishes are contrary to these. I do most sincerely hope that the contest in Spain between constitutional government, on the one hand, and despotism on the other, may end in the success of the former principle. I do think that the wishes expressed by hon. Gentlemen opposite, however they may suit those other views which they may entertain, having a bearing upon domestic questions, rather than upon foreign policy, are not very congenial to the spirit of the Members of a British Parliament; and that it is not usual on the part of Englishmen that such an interest should be felt, and such a lively anxiety should be expressed, in favour of a cause sullied by such atrocities and crimes as have been recorded, and the object of which cause is to extinguish the liberties of a great nation.

Mr. *Borthwick* thought that the question was not whether Don Carlos or the Queen had the better right to the throne. Whoever was ruler *de facto*, and our ally, we must support; but let that support be given in a bold and openly avowed manner, not in a manner calculated to compromise the dignity of the country, while it was ineffectual. Great Britain should either speak out on the Spanish question, or wholly withdraw from the contest, by prolonging which she was only increasing bloodshed, and perpetuating every cruelty that could dishonour humanity.

Sir *John Elley* lamented that the noble Lord should have taken that latitude of language as to attribute to Members on the opposition side of the House, particular motives for their conduct. He denied *in toto* being actuated by any such motives. His opinion was, that Spain should settle her own quarrels; but if she could not do so, and other parties must interfere, then he would say, let them interfere in a manner that was likely to be effectual. The hon. and gallant Member, after describing the gallant achievement of General Evans in assailing and taking the batteries of San Sebastian, asked what consequences had resulted? They had incurred the sad misfortune of losing, in killed and wounded, seventy-eight officers, and 800 men, and he could assure the House that the ground occupied in consequence of that success, was not in extent sufficient to feed a rabbit. He wished to ask the noble Lord a question, founded upon information which he believed to be accurate, although he had not received a single letter from Spain since the Legion sailed. If he understood the noble Lord last night, he had stated that neither General Evans nor his Legion were under any orders from this country. Now he had been informed that the inhabitants of San Sebastian had proclaimed the constitution of 1812, and that General Evans had informed them, that if they persisted in doing so he would withdraw his Legion. He wished to know whether he had acted for himself, whether he had received any instructions from the British Government, or whether any direct information had been sent by him to this country. The Legion was now completely stale-mated. They had no move, either to the right or to the left, or to the front. What move, then, had they upon the board? To retire by the fleet that took them there.

Viscount *Palmerston*: The hon. and gallant Gentleman had asked for information respecting certain communications which he supposed to have passed between General Evans and the inhabitants of San Sebastian. He was really unable to give the hon. and gallant Gentleman any information on the subject. General Evans was an officer in the Spanish service, his communications were made to his own Government, and he was wholly unable to state their nature or effect.

Motion negatived.

Savings' Banks.] Lord *Dudley Stuart* moved for leave to bring in a Bill to explain and amend the Savings' Banks' Act. His object was to indemnify trustees and managers, acting under that Act. If the House would read it a first time, and have it printed, he would postpone the second reading until next Session.

The *Chancellor of the Exchequer* deprecated interfering with the constitution of the Savings' Banks without the exercise of the greatest caution. He could not consent to the introduction of the Bill, as it would excite great confusion and alarm.

Mr. *Hume* also objected to the Bill. The mere introduction of it would be productive of great evil, and, therefore, he trusted the noble Lord would not persist in his motion.

Lord Dudley Stuart consented to withdraw the Bill for the present Session.

The Post-Office.] Dr. Bowring moved for a return, showing in detail and in columns the gross and net income of the deputy post-masters and mistresses in Great Britain and Ireland.

Ordered.

Mr. *Hume* asked the Chancellor of the Exchequer, whether it was the intention of the Government to carry into effect any of those reforms contemplated by the late excellent Bill sent up to the other House, on the subject of the Post-office? He deeply regretted the loss of that Bill, and feared that, in consequence of its loss, many beneficial changes proposed in the constitution of the Post-office could not be carried into effect. He believed that this was the first attempt on the part of the other House at interfering with Bills of this nature.

The *Chancellor of the Exchequer* deeply regretted the loss of the Post-office Bill, which, no doubt, would have been productive of much good if it had passed into a law. The failure of that measure was altogether unexpected by him. For his own part, he should not be lax in carrying into effect many alterations which, he believed, would be beneficial in the Post-office. He understood, from the nature of the law regarding the constitution of the Post-office, that the Crown was not able to carry into effect many of the changes proposed in the Bill without the sanction of the Legislature; and, therefore, many improvements could not be effected, as if the Bill had passed into a law. If the Post-office had been constituted like the stamps and some other Government departments, then many changes would at once have been made by the Crown, and he should not have hesitated in making them; but finding this to be the case, he had held it to be his duty to apply to Parliament, and he was sorry to find that he had been unsuccessful. Although, then, they should not be able to effect all that was desired, still the exertions of Government would be directed to provide various improvements in the Post-office. Certain alterations could and would be made with regard to the Post-office packets and other departments.

Dr. *Bowring* stated, that he understood, notwithstanding the arrangement that had been entered into for the transmission of English newspapers on the continent at a small postage, that the Belgian government had imposed a fiscal charge on their introduction into Belgium. He should like to hear some explanation on the subject.

The *Chancellor of the Exchequer* observed, that the Bill on the subject of the postage of English newspapers abroad had only received the Royal Assent a few days ago, and, therefore, the statement of his hon. Friend was, no doubt, correct; but, of course, a change would shortly take place.

Common Fields' Enclosure.] Mr. Anderson Pelham moved, that the Lords' amendments to the Common Fields' Enclosure Bill be taken into consideration to-morrow.

Sir *James Beckett* observed, that all their Lordships' amendments in this Bill were such as to render it doubly beneficial to the people.

Mr. *Wakley* protested against the Bill, which, he said, had by no means met with due discussion in that House. It was a Bill which materially affected the rights and enjoyments of the people, and he should oppose it by every means in his power.

Mr. *Warburton* supported the Bill. Those who opposed it confounded two things essentially distinct—common fields and commons. The enclosure and improved cultivation of common fields would be a great benefit to the whole country, and in no respect infringe upon the property or rights of the people.

Mr. *Blamire* supported the Bill. So far from not having been duly considered, it had been discussed and printed over and over again. It was a most valuable Bill, in strict accordance with every principle of justice and good policy, and would be of great advantage to the labouring classes.

House counted out.

HOUSE OF LORDS,

Wednesday, August 17, 1836.

Minutes.] Bills. Received the Royal Assent:—Slave-Owners' Compensation; Slave Treaties; Militia Pay; Registration of Births; Secular Jurisdiction (York and Ely); Medical Witnesses; St. Clement (Oxford) Marriages Validity; Creditors (Scotland); Exchequer Officers; Valuation of Land (Ireland).—Read a third time:—Militia Pay; Greek Loan; Westminster Small Debts; Stannaries Court; County Elections.—Read a second time:—Consolidated Fund; Exchequer Bills; Grand Jury Presentments (Ireland); Copyright; List of Voters; Municipal Funds; Municipal Boundaries; Municipal Jurisprudence; Municipal Elections.—Read a first time:—Public Works (Ireland).

Petitions presented. By Lord Fitzgerald and Vesey, from the Friends of Temperance Reformation, against allowing Grocers to sell Spirits.—By the Earl of Rosslyn and Lord Wharncliffe, from various places, against Inns and Alehouses Bill.

HOUSE OF COMMONS,

Wednesday, August 17, 1836.

Minutes.] Bills. Read a third time:—Public Works (Ireland); Parochial Assessments.

Petitions presented. By Mr. Wilks, from Chatterlis, Isle of Ely, against Church Rates.—By Mr. Anderson Pelham, from Brigg, for Abolition of County Rates.—By Mr. Harvey, from the Surrey Radical Association, complaining of the manner in which the Poor Law is administered.

Church-Rates.] Mr. Wilks presented a petition from the parish of Chatteris, in the Isle of Ely, against the present system of Church-rates.

Lord *J. Russell* said, that he would take the present opportunity to correct a misunderstanding respecting some words which fell from him on the subject of Church-rates. A discussion had taken place on the subject in the course of the present Session, and an hon. Member had stated that his vote would depend on the answer which he (Lord J. Russell) might give to questions put to him on the subject. He thought that it would be very unfair to induce the hon. Member to give a vote on his (Lord J. Russell's) side, when it might appear afterwards that the remedy which he had to propose was not such as the hon. Member anticipated. But this statement had been supposed to imply a determination on his part that the measure to be brought in next Session should be framed in a manner unsatisfactory to that hon. Gentleman, to his hon. Friend who presented this petition, and to most of those who entertained similar opinions. He begged to state that this was not at all the meaning which he intended to convey. He had thought it unfair to ask any hon. Member for a vote, when the measure which he proposed might not come up to that hon. Member's expectations; but it had been, and was, his hope, that the measure which he had to propose would be satisfactory to his hon. Friend, and to the great mass of those who coincided with him in opinion.

Petition laid on the table.

Juvenile Offenders.] Mr. Hume took this opportunity of asking the noble Lord the Secretary of State for the Home Department, whether Government had any measures in preparation for the purpose of promoting the reformation of juvenile offenders, as had been announced at an early part of the present Session?

Lord *J. Russell* said, that the subject was under consideration, and he hoped to be able to bring forward a measure on the subject in the course of next Session. He had had it in contemplation last year to appropriate the prison of Dartmoor as a receptacle for juvenile offenders. The opinion of two of the inspectors of prisons was, that it might be fitted up for that purpose; but when plans of the alterations came to be made out, both the inspectors, as well as an architect who was sent down to survey the building, were of opinion that it was not advisable to lay out any sum of money upon it, as it could not be kept in repair. He had caused inquiry to be made with regard to other buildings in the country, but had not been able to satisfy himself that any one was proper for the purpose. He had another site in view, however, to which he hoped to be able to transfer juvenile offenders from the metropolitan prisons, in order to their better and more effectual confinement.

Mr. *C. Barclay* begged to suggest the expediency of granting to his majesty some power of summary punishment in the case of juvenile offenders.

Lord *J. Russell* replied that his attention was particularly directed to that part of the subject. The hon. Member, however, must be sensible of the difficulty of framing a measure for such a purpose which should not run counter to the feelings of the country respecting the administration of justice.

Mr. *Lennard* asked, if it was the intention of Government to introduce any measure for the purpose of giving effect to the recommendations contained in the Report of the Commissioners on the Criminal Law, which had been for some time on the table of the House?

Lord *J. Russell* said, that he had stated before, in answer to a question from the hon. Member for Cockermouth, that a measure was in contemplation, which he hoped to be able to introduce next Session. The report to which the hon. Gentleman referred, though a very able document, did not go into the whole of the subject.

Subject dropped.

Convicts in Australia.] Lord *J. Russell* said, that an hon. Member had placed a notice on the books for an address to his Majesty, intreating the Royal clemency to those Convicts who had been transported to New South Wales, in 1831, from Hampshire, and the south of England, for the offences of machine-breaking, fire-raising, rioting, &c. It would be quite unnecessary for him to enter into the question of the propriety of that address, as he had received a letter from the Under-Secretary of the Colonies, in reply to one addressed to that hon. Gentleman on the subject, which he hoped would be satisfactory. In this letter, the Under-Secretary stated, in reply to a letter of the 1st of August, respecting the free pardon which his Majesty had been pleased to grant to 246 persons, convicts in New South Wales:—"I am directed by Lord Glenelg, to acquaint you, that Governor Arthur has done this, except in the case of ten individuals, who have forfeited all claim to this act of clemency." He ought to state that the pardon was directed for 246 persons—the whole number being 264. He only made an exception in the cases of those, who had previously been committed for some other offences—such as creating riots, or machine-breaking. With respect to these parties, it was thought that some difference should be made.

Mr. *Hume* asked, if all who were transported to New South Wales at the time for the offences mentioned, were to have the benefit of the pardon?

Lord *J. Russell* said, that the order made no distinction.

Subject dropped.

Common Fields' Enclosure Bill.] Mr. C. A. Pelham moved the Order of the day, for the consideratien of the Lords' amendments to this Bill.

Mr. *Wakley* objected to the amendments being taken into consideration, as they had not been printed, and suggested that they should be postponed till Friday. So far as he had read the amendments, he thought them decided improvements to the Bill, but he was anxious to consider them more carefully.

The *Chancellor of the Exchequer* remarked, that if hon. Members were ignorant of the nature of the amendments, the best way to acquire a knowledge of them. was to proceed to consider them.

Mr. *Warburton* observed, that the Lords' amendments made the Bill much more popular than before.

The House divided: Ayes 60; Noes 5 Majority 55.

List of the Ayes.

Aglionby, H. A.
Angerstein, J
Anson, hon. Colonel
Bagshaw, J.
Barclay, C.
Baring, F. T.
Baring, T.
Beckett, rt. hon. Sir J.
Bews, T.
Blake, M. J.
Blamire, W.
Borthwick, P.
Bridgeman, H.
Brotherton, J.
Brownrigg, S.
Buckingham, J. S.
Callaghan, D.
Chalmers, P.
Codrington, Sir E.
Duncombe, T.
Elley, Sir J.
Ewart, W.
Fergusson, rt. hon. R. C.
Fitzroy, Lord C.
Freshfield J. W.
Grey, Sir G.
Harvey, D. W.
Jones, T.
Lennox, Lord G.
Lincoln, Earl of
Loch, J.
Lowther, J. H.
Lygon, Colonel
Lynch, A. H.
Mackinnon, W. A.
Macleod R.
Manners, Lord C. S.
Maule, hon. F.
O'Brien, C.
Pattison, J.
Pryse, P.
Rice, rt. hon. T. S.

Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Russell, Lord J.
Scrope, G. P.
Seymour, Lord
Sibthorp, Col.
Smith, B.
Thomson, rt. hon. C.P.
Thornley, T.
Tracy, C. H.
Trench, Sir F.
Trevor, hon. G. R.
Vere, Sir C. B.
Wall, C. B.
Warburton, H.
Wilks, J.
Young, G. F.

TELLERS.

Pelham, A.
Stanley, E J.

List of the NOES.

Hume, J.
Ponsonby, hon. W.
Potter, R.
Ruthven, E.
Trevor, hon. A.

TELLERS.

Leader, J. T.
Wakley, J.

The further consideration of the amendments, after some had been agreed to, was postponed, when messengers from the Lords appeared, requesting a conference on the subject-matter of the amendments to the Prisoners' Counsel Bill.

PRISONERS' COUNSEL BILL.] A Conference with the Lords was held on the subject of the Counsel for Prisoners' Bill, when the Lords communicated their reasons for not agreeing to the Commons' amendments. Subject to be taken into consideration on Friday.

BRIBERY AT ELECTIONS.] Mr. Hardy moved the Order of the Day for the third reading of this Bill.

Mr. *A. Trevor* opposed the third reading, on the ground that the measure went to disfranchise a great portion of the poorer class of voters, and moved, as an amendment, that the Bill be read a third time that day three months.

The House divided on the original motion: Ayes 50; Noes 1:—Majority 49.

List of the AYES *for the First Division.*

Aglionby, H.
Angerstein, J.
Bagshaw, J.
Baring, F. T.
Barnard, E. G.
Beckett, rt. hn. Sir J.
Bewes, T.
Bridgeman, H.
Brotherton, J.
Brownrigg, S.
Burrell, Sir C.
Chalmers, P.
Codrington, Sir E.
Cowper, hon. W. F.
Duncombe, T.
Fergusson, rt. hn. R.C.
Freshfield, J. W.
Grey, Sir G.
Hindley, C.
Hoskins, K.
Hume, J.
Leader, J. T.
Lennox, Lord G.
Lowther, J. H.
Mackinnon, W. A.
Macleod, R.
Martin, T.
Murray, rt. hon. J. A.
Pattison, J.
Pelham, hon. C. A.
Philips, M.
Potter, R.
Pryse, P.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Rolfe, Sir R, M.
Ruthven, E.
Scrope, G. P.
Seymour, Lord
Smith, J. A.
Smith, B.
Stanley, E. J.
Thompson, Alderman
Thornley, T.
Wall, C. B.
Warburton, H.
Whalley, Sir S.
Wilks, J.
Williams, W.
Young, G. F.

TELLERS.

Blamire, W.
Wakley, T.

List of the NOES.

Palmer, G.

TELLERS.

Sibthorp, Colonel
Trevor, A.

Bill read a third time.

On the question that the Bill do pass,

Colonel *Sibthorp* moved the addition of a clause for preventing bribery on the part of individuals connected with Government, by giving away comfortable situations, &c.

The *Chancellor of the Exchequer* thought that the effect of such a clause would be to weaken the general provisions of the Bill, which already, in the most effectual manner, provided against such practices on the part of Government.

Mr. A. Trevor supported the clause.

The House divided: Ayes 2; Noes 45:—Majority 43.

Clause rejected.

Mr. A. Trevor moved that the 4th Clause be struck out of the Bill.

The House divided: Ayes 4; Noes 44:—Majority 40.

Mr. *A. Trevor* next moved the omission from the 5th Clause, as we understood, of certain words, the effect of which was to render voters guilty of bribery for ever incapable of holding office, place, or emolument under the Crown. He did not think that the punishment ought to be rendered perpetual.

Sir F. Trench seconded the motion.

The House divided; Ayes 3; Noes 38:—Majority 35.

Bill passed.

We give the Lists of the first division; the others were so similar, adding on some of them Sir C. Broke Vere, Sir Frederick Trench, Mr. Borthwick, Mr. Freshfield, or Mr. Brownrigg to the minority, that it is needless to repeat them.

HOUSE OF LORDS,

Thursday, August 18, 1836.

MINUTES.] Bills. Read a third time:—Pensions Duties; Tithe Compositions (Ireland); Poor Law Loans; Inns and Alehouses; Coal Trade.—Read a second time:—Public Works (Ireland); Convictions.—Read a first time:—Bribery at Elections.

Common Law Officers' Bill.] The Order of the Day for the second reading of the Common Law Officers' Bill having been read,

Lord *Langdale* said, My Lords, I request the attention of your Lordships to a Bill which has been recently brought from the Commons, and which is very interesting to those who are engaged in legal proceedings. It is intitled, "An Act to abolish certain offices in the superior courts of common law; and to make provision for a more effective and uniform establishment of officers in those courts;" and it would have given me great satisfaction if I could have given an unqualified support to the Bill; especially as my noble and learned Friend the Lord Chief Justice, has expressed an earnest wish that it should, if possible, be passed into a law during the present Session of Parliament.

The importance of the Bill cannot be doubted. Some of the greatest difficulties which are found in effecting improvements in the administration of justice arise from the practice which has existed from a very remote period, of making the proceedings in the courts auxiliary, or subservient, to the revenue—auxiliary, not only in defraying the expense of justice, but also in conferring rewards or emoluments upon deserving public servants, or undeserving favourites.

The funds affording these rewards or emoluments, have arisen entirely from fees imposed on the suitors, at first, on the pretence of services rendered to them, but afterwards continued and enforced without regard to any such service. The offices, indeed, in which the alleged services are pretended to be rendered, may be continued in name, but according to the language of a witness recently examined, "every thing is hypothetical except the fee." That remains a sad reality to be endured by the suitors. The persons, who, of all others, ought to be least burdened with expense have had expense unnecessarily inflicted upon them to a very great amount, and justice has been and is made inaccessible to those who cannot pay the price when thus enhanced.

In the mean time, the persons receiving the fees thus levied have been held to possess vested interests in their rewards and emoluments, and these vested interests have become the subjects of grants by patent—of bargain and sale—and of family settlements.

For two centuries there has been a struggle between the interest of the suitors on the one hand, and the interest of the persons intitled, or supposed to be intitled, to the fees on the other hand. Whenever an attempt has been made to lessen the costs of proceedings to the suitors, there has been a constant resistance by those whose incomes were derived from the fees; and until lately this resistance has prevailed.

But in 1830, Sir Robert Peel, whose meritorious attention to the law is admitted by all, having stated that his experience of legal reforms had satisfied him that the existence of patent offices formed one of the greatest obstacles to the improvement of the law; and that in almost every attempt to introduce partial reforms, he was met by vested interests which impeded his operations; an Act 1st William 4th, c. 58, was passed "for regulating the receipt and future appropriation of fees and emoluments receivable by officers of the superior courts of common law."

This statute effected its avowed purpose in removing the interest of the officers in the amount of fees, for it provided that the amount on an average of ten years should be ascertained and certified; that any surplus beyond that amount should be paid into the exchequer, and any deficiency paid out of the consolidated fund; and it left the legality of the fees subject to inquiry and investigation. But so much of the Act as connects the Exchequer with the fees of courts of justice for the purpose of receipt, appears to me to be founded on an erroneous principle, which I regret to find acted upon in the present Bill.

Commissioners under the Act 1st William 4th, cap. 58, were appointed, and having met with some difficulty in ascertaining what fees were legal, another Act (1st & 2nd William 4th, cap. 35) declared, that all fees which the Commissioners should deem to be reasonable, and which should have been received for more than fifty years before 24th May, 1831, should be deemed and taken to be legal fees.

The Commissioners then proceeded to ascertain the average amount of fees as directed by the Act; and the sums certified to be payable to the several officers of the different courts were as follows:—

To the Officers of the Court of

King's Bench .	36,072	9	9
Common Pleas .	14,878	6	4
Exchequer . .	18,690	12	7
Total . .	£.69,641	8	8

These sums were, therefore, secured to the officers. If the fees amounted to more, the surplus was to be paid into the Exchequer; if to less, the deficiency was to be made good out of the Consolidated Fund.

In the mean time several improvements were made in the practice of the Courts; an extensive reform on the Plea side of the Exchequer was effected under the Act 2nd & 3rd William 4th, c. 110, and the Commissioners were directed to prepare such tables of fees as might be proper to be demanded in the superior Courts of Common Law with reference to the various changes and alterations which have taken place in the processes and proceedings of those courts, and to the diminution of expense, where practicable, to the suitor.

In the consideration of this question, the Commissioners were necessarily led to the inquiry, what were the services to be rendered to the suitors, and what would be a proper remuneration for those services.

The result is, that the sum of 36,072*l.* is payable in the King's-Bench by the suitors or the public for services and sinecures, the real services being such as would be fairly remunerated by 8,800*l.* That the sum of 14,878*l.* is payable in the Common Pleas by the suitors or the public for services and sinecures, the real services being such as would be fairly remunerated by 6,800*l.*, and that the sum of 18,690*l.* is payable in the Exchequer for services and sinecures, the real services being such as would be fairly remunerated by 8,800*l.*

The object of this Bill is to abolish all the useless offices in the several Courts, and to appoint efficient officers at reasonable salaries to transact the business which is really required for the benefit of the suitors.

This object is so far from being objectionable, that all parties will probably concur in the propriety of it. When fully carried into operation, the effect of it will ultimately be to reduce the present annual charge from 69,641*l.* to 24,400*l.*, a saving of more than 45,000*l.* per annum.

But the present possessors of the offices are to be compensated; and questions of considerable importance arise upon the amount of compensation and upon the means of providing the requisite funds.

And first, as to the amount: with respect to the emoluments of the abolished offices which are in immediate enjoyment, it is proposed to give compensation under the regulations of 1st William 4th, c. 58, and after what has been already done, it does not appear that this course can reasonably be objected to. But with respect to such advantages or emoluments as may depend on the rights of patronage or sale, it is proposed, sect. 22, to substitute annuities equal in amount to three-fourths of the incomes of the abolished offices and payable out of the Consolidated Fund, in lieu of the abolished offices, and to give to the officer, having or supposed to have this right of patronage or sale a right of disposing of the substituted annuity as a compensation for the right he now has of disposing of the office.

This mode of compensation assumes what cannot be admitted without inquiry; that these offices are, by law, saleable; and that there is no legal authority to reduce the fees payable to the persons holding them, to such just sum as would be a fair remuneration for the services, if any, which are performed. It is to be observed, that the Act 6th George 4th, c. 82, does not declare the offices to be saleable; and that the Act 1st William 4th, c. 58, provides for the reduction of fees payable to officers subsequently appointed.

The amount of compensation proposed to be given at present, is such as to leave an annual charge of 62,145*l.* 8*s.* 1*d.*, being only 7,496*l.* 0*s.* 7*d.* less than the present charge; and being 37,745*l.* 8*s.* 1*d.* beyond the amount of what is necessary for the fair remuneration of efficient officers or the sum to which the expense is ultimately to be reduced.

Next, as to the means of providing compensation: the payments are to be made out of the Consolidated Fund, which is right. A common benefit should be purchased at the common charge; and I can conceive no good reason why the suitors, who have the misfortune to be called upon to establish or protect their rights in courts of justice, should in addition, to the expenses which cannot be avoided, be burthened with the expense of providing compensation to the persons who once held offices since abolished.

Nevertheless, with a view, I suppose, of affording compensation to the Consolidated Fund, it is proposed that, notwithstanding the abolition of the offices, all the fees shall be for the present continued; and that the surplus of the fees, after paying the officers actually employed, shall be paid into the Exchequer to the credit of the Consolidated Fund. This, your Lordships will observe, is following the example set by the statute 1st William 4th,

c. 58, and gives the Exchequer a direct interest in, and claim upon, the fees received from the suitors in the Courts of Law.

But this is not all, there are certain funds, very unlike in amount to the sums belonging to the suitors in the Courts of Chancery, but certain smaller sums belonging to the suitors in the Courts of Law; and this Bill proposes, that the Masters of the several Courts shall render an account of the Suitors' fund to the Treasury, and that if it shall appear to the Treasury that any portion of the fund is not likely to be wanted for the purposes for which they were paid into Court, they may direct the Masters to pay such portion into the Exchequer to be carried to the Consolidated Fund; and this, your Lordships will observe, gives to the Exchequer a direct interest in, and claim upon the funds belonging to suitors in the several Courts.

I will not at this time detain your Lordships by stating at greater length my objections to the compensation clauses contained in this Bill. I apprehend them to be money clauses, and that they cannot be successfully altered in this House; and it is now too late in the Session to hope that they can now be altered in the other House; and under these circumstances, though I entirely approve of the abolition of these offices, and do not object to a proper compensation being given to the officers, yet being of opinion that the compensations here proposed are not proper, and that the Bill improperly connects the Treasury with the fees received from the suitors, and the money belonging to the suitors in the Courts of Justice; and seeing that the errors (if they shall be thought such) cannot be corrected in this Session, I think it my duty to move, that this Bill be read a second time this day three weeks.

Lord *Ellenborough* begged to remind the noble and learned Lord opposite, that in the year 1825 the chiefs of the court were remunerated for the large amount of patronage which they had up to that period enjoyed, by the offices and emoluments on which the noble and learned Lord had dwelt. This was distinctly stated in the Act of Parliament. By the Act introduced by Sir Robert Peel, every economical change was made which could be made consistently with a regard to good faith and to existing interests. Since that Act passed, no officer had been appointed whose remuneration was not exactly proportioned, according to the opinions of the Lords of the Treasury, to the services to be performed. It was impossible that this Bill, or that any Bill that acted honestly, could reduce the expenses of the courts faster than they had been under that Act. Therefore it was an erroneous view of the noble Lord, to contrast the present charges with those which it was proposed should be made for the future. Whether there might not be a different distinction of the business to be performed, he was not competent to say; but this he knew, that he had heard no complaint whatever of the conduct of the officers in the court with which he was connected. Several of them held their offices during his pleasure; and they knew very little of him who did not know this—that if it were shown that any of them had misconducted himself, he should cease to hold his office before the sunset of the day on which such a charge was proved. He agreed with the noble and learned Lord in what he had said respecting compensation and the sale of patronage; and so extravagant was the amount of compensation, that he had prepared a clause in case the Bill were submitted by any noble Lord, at either side of the House, to relinquish all claim to his share of it.

Bill postponed for three weeks.

BUSINESS OF THE SESSION.—VINDICATION OF THE HOUSE OF LORDS.] Lord *Lyndhurst*: My Lords, I am anxious to call your attention to the motion, of which I gave notice on a former night. It is with extreme reluctance, and with real diffidence, that I rise to address you on this occasion; but I am compelled to pursue this course: I am driven to it in consequence of the attack made upon me and my noble Friends around me, but more pointedly upon myself, by the noble Baron opposite (Lord Holland) on a former night. My Lords, the noble Baron has accused us of having misconducted ourselves in the discharge of our duty in this House. He has charged me, in particular, with having "mutilated" Bills laid on your Lordships' table by his Majesty's Government, or which have come up from the other House of Parliament. He has stated, in distinct terms, that the course which I have individually pursued has been calculated to alienate from your Lordships' House the regard and the respect of the country. The terms that the noble Baron used were, I believe, even stronger than those which I have mentioned. The noble Baron said, our conduct was calculated to excite "disgust" in the country. Now, my Lords, if these charges had been confined to this House, I should have reposed under them in silence, because all that has passed, has passed in your presence; and I should not have feared, under such circumstances, your judgment with respect to my conduct. But it was obvious that these charges were intended to take a wider range, and to embrace a much more extensive sphere; and it is therefore that I have felt myself called upon to rise, for the purpose of entering on a vindication of my conduct, and, however unequal the contest may be between the noble Baron and myself, to justify to your Lordships and the country the part which I have taken in these proceedings.

My Lords, it does appear to me that those who sit on this side of the House have been most moderate and forbearing towards his Majesty's Government. We have made no motion for papers, none for inquiry; we have passed no resolutions of distrust or censure. We have not used the ordinary weapons of those usually engaged in opposition in this and the other House of Parliament, and which must be so familiar to the noble Lords opposite. Our conduct throughout the Session has been entirely defensive. When a Bill has been laid on the table by any of his Majesty's Government, or when it has come up from the other House of Parliament, we have examined it with care, with industry, and attention. If we have found it vicious in principle, we have proposed its rejection; while, if it has occurred to us, on a careful investigation, that it might be so modelled as to answer the purposes for which it was intended, we have carefully directed our efforts and perseverance to the accomplishment of that object. I am justified, then, in saying, that during the whole of this Session, adverting to the course that we have pursued, our conduct has been purely defensive, and that we have exercised towards his Majesty's Government as much moderation and forbearance as was consistent with the duty which we owed to the country.

My Lords, it is impossible to enter into a consideration, however general, of the subjects to which I am about to direct your attention, without referring to his Majesty's Speech at the commencement of the present Session, and without contrasting the brilliant anticipations contained in that speech, with the sad reality that has since occurred; a result as disproportioned in execution to the expectations that were held out, as the lofty position of the noble Viscount at that period, with what he will allow me to style his humble condition at the present moment. Gazing on these two pictures, one is tempted to apply to the noble Viscount that which was said of a predecessor of the noble Viscount in the high office of First Minister of the Crown, who in the careless confidence of his character, I cannot help thinking, bore some resemblance to his noble successor—

"His promises were, as he then was, mighty,
His performance as he is now—nothing."

My Lords, in referring to the Speech from the Throne, we shall find that one of the prominent subjects to which our attention was called, and with respect to which great expectations were entertained, was a Reform of the Law, and more particularly of the Court of Chancery. No sooner was that announcement made, than in the profession to which I formerly had the honour of belonging, as well as in the minds of the public, the most eager expectations were awakened. Week after week and month after month passed away, but those expectations were not gratified. At length, and after a long delay, a Bill was produced by my noble and learned Friend (the Lord Chancellor), which I have too great a respect for his understanding to suppose could be his own production. It must, I think, have been forced upon him by some other person, and hastily and unadvisedly adopted by him. I said this measure was produced; yes, it appeared for a moment, and in a moment it fell from my noble and learned Friend's arms, still-born, on your Lordships' table. The measure met with no support in this House—it met with no support from any party, or any section or fragment of any party, out of it. Neither Whig nor Tory, Radical nor Conservative, defended it; it met with no support from any portion of the public press, whether in the pay of Government, or espousing the party in opposition; no single voice in any quarter has been raised in its favour. Even the noble Lords who usually support the Government, appear by anticipation to have condemned it; for a more scanty attendance, considering the importance of the question, never has, I think, occurred during the present Session of Parliament. I pass, therefore, over this measure—*Requiescat in pace*—I will not disturb its ashes.

My Lords, the next great branch of this promised reform of the law, was the consolidation and reconstruction of the Ecclesiastical Courts: let us see what course his Majesty's Government have pursued on this important subject. My noble Friend, the noble Duke near me, when in office, issued a commission for the purpose of inquiring into this extensive subject. That Commission made a report, which was prepared, I believe, by Dr. Lushington—a report distinguished for the information and learning which it contained, and which led to the preparation of a Bill, handed by us to our successors in office. My noble and learned Friend was, from time to time, reminded of the importance of the subject, and called upon to adopt some legislative measure with respect to it. A Bill, indeed, had been introduced; but on some parts of the measure a difference of opinion existed; they were referred to the consideration of a Select Committee, who afterwards made a report which was laid upon your Lordships' table. From that time to the present the Bill has been allowed to slumber; not the slightest attempt has been made by the Ministers of the Crown to pursue this important measure. It would almost seem, from the course pursued with respect to this Bill, as if there had been a disposition to justify the expression of "the dormitory," supposed to have been applied in so courteous a spirit to your Lordships' House by an officer of the Crown, a learned gentleman of great talent and experience in his profession, in a manner not very consistent with his usual prudence and caution.

But upon this great topic of legal reform, let me remind your Lordships of another Bill, more fortunate than the new Chancery scheme, less neglected than the Ecclesiastical Court project—a Bill which has passed your Lordships' House—I mean the Stannaries' Court Bill. I will not, with respect to this measure, repeat any of those objections so ably and forcibly urged against it by my noble and learned Friend, the Master of the Rolls; but, my Lords, there is one clause, respecting the dependent condition of the Judge in that court, to which I must call your attention:

Against that clause my noble and learned Friend struggled with great force of argument and true constitutional principle, and my noble and learned Friend, the late Chief Justice of the Common Pleas (Lord Wynford) expressed in the strongest terms his disapprobation of it; but this opposition was all in vain. Let me call your ordships' attention more particularly to this important subject. By the Act of Settlement, the independence of the Judges was fully and firmly established. What was the result? The effect was immediate. That subservience of the Judges to the Crown—that pliant obedience to the will of the Court, which had before in so many instances disgraced the Bench, and defiled the administration of justice—at once, and as if by a spell, disappeared. Justice has from that period flowed in a pure and unpolluted stream, and the Judges of the land have not only deserved, but enjoyed the love, esteem, and confidence of the country. Such has been the effect of that wise and salutary measure. My Lords, this principle was again re-asserted and confirmed upon the accession of his Majesty King George 3rd. It was by an Act passed in the first year of his reign declared, that the Judges should not, as before, be removeable on the demise of the Crown; and in his first speech to Parliament that monarch made the well-known declaration, that he looked upon the independence of the judges "as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honour of the Crown." So sacred has this principle been considered, that, in no instance that occurs to me, has any new tribunal been established, or any old tribunal been reformed or extended, in this country, since that period, in which it has been infringed. This Bill—the Bill of a reforming and Whig Government, is, I believe, the first exception to the rule. But, my Lords, by whom were the arguments of my noble and learned Friends combated? Who was the great defender of this first infringement of so just a principle? *Proh pudor!* Would your Lordships have believed it, if you had not witnessed the scene? Will it be believed upon mere rumour in the other House of Parliament, or throughout that urban population, to which the noble Viscount told us on a former night, he looked as the firmest and best support of his Government? It was, my Lords, the noble Baron opposite (Lord Holland); he whom I have always been accustomed to regard as a sort of concentration of Whig liberty and constitutional principle; he it was that stepped forward to vindicate this clause, and to combat the arguments of my noble and learned Friends. True it is, that this part of his argument was delivered in a subdued tone of voice, not very audible in this part of the House—scarcely audible below the Bar, or above the Bar. But it was urged with vigour, with skill, with address, and all those aids so familiar to the noble Baron, and in which he so much excels, and which, had he lived in the days of ancient Greece, would have entitled him to a high rank among the fraternity of "sophists" of that celebrated period. And in what case is this principle to be abandoned? In a case where the judge may be called upon to sit in judgment between the Duke of Cornwall, upon whom his appointment is in future to depend, and his tenants on the one side, and those who are interested in the mines and in the soil on the other. So much, then, as to this part of the speech from the Throne. There is, in the first place, so far as the Court of Chancery is concerned, a measure that has proved a miserable abortion. With respect to the Ecclesiastical Courts' Bill, a measure abandoned; and as to this last Bill, a violation of an important principle which for more than a century has been considered sacred.

My Lords, I now come to another prominent point in the speech from the Throne, but upon which I do not mean to detain you at any length. I allude to the Irish Corporation Bill. We have heard it asserted over and over again, that our ground of proceeding was founded upon the acknowledged abuses and corruptions in those corporations. My Lords, we have always stated, that we never did proceed upon any such assumption. We should not have been justified in so doing without hearing evidence at the Bar, for the purpose of examining into the truth of the charge; but we said—and that was the ground of our proceeding—we said, "These Corporations are in their character exclusive: they are administered by Protestants, and by Protestants alone; and on that ground we agree, that a change ought to be made." What was the change intended by the Bill? That they should be so constituted as to retain the same exclusive character, with this difference only, that as they are now exclusively in the hands of Protestants, they should henceforward be exclusively in the hands of Roman Catholics. There was to be a transfer of power from the one party to the other; and when we know in what manner the power so transferred would have been used, that it would have greatly added to the strength and confidence of the agitators of Ireland, we should, I should think, have disgracefully abandoned our duty if we had not vigorously opposed the measure of the noble Viscount. In doing so, however, we at the same time stated our willingness to put an end to the grievance complained of by dissolving the existing corporations, and proposed a measure for that purpose with the assent of the corporations themselves.

There is yet another measure which your Lordships ventured to mutilate—I shall leave your Lordships to consider whether our conduct, in this instance, was calculated to alienate or disgust the country. I allude to the Newspaper Stamps' Bill. After that measure was complete, two clauses were added, at the suggestion of the supporters of the Government, unnecessary in themselves, and of a character most arbitrary, inquisitorial, and vexatious; directly, too, at variance with what the Whig party, when in opposition, had formerly struggled against with great earnestness and zeal. When it was suggested, that these clauses would be struck out in your Lordships' House, the supposition was met with taunts, as if you would not dare to venture upon such a proceeding. When it was afterwards proposed here to omit these clauses, we were assailed with a torrent of invective and passion from the noble Viscount. As soon, however, as this whirlwind had passed away, and reason and good-humour had in some degree returned, we found the noble Viscount prepared to adopt our suggestions, and to pursue the course which we had recommended; which, happily, was not followed by any of those awful consequences which had been predicted, and which the noble Viscount had painted with such a broad pencil and in such dark and gloomy colours. The noble Viscount was even facetious upon the occasion; he styled his new Bill an *editio ex-purgata;* thereby aptly and in the strongest manner marking his opinion of those offensive and scandalous passages which has been forced upon him by his supporters, and whom, by this allusion, he dragged through the mire, and held up as a spectacle to the scorn and derision of the country.

We were advised, my Lords, also, in the speech from the Throne, to adopt a measure for the settlement of the important question of Irish Tithes, for the purpose of restoring "harmony and peace" (I think those were the expressions) to Ireland. My Lords, we acted in the spirit of that advice. We did mature a measure for the purpose of extinguishing the present system of tithes in that country. Not a single objection was or could be urged against any clause in that Bill. Nay more, we engrafted on it another salutary measure, for the purpose of removing the inequality which exists in some of the benefices of Ireland. That Bill, so important in its character, so well calculated to answer the purposes to which I have referred, was rejected by his Majesty's Government, because it did not contain the assertion of an abstract principle intended to be used at some future period for the purpose of plundering the Church of Ireland; and which, it was admitted in distinct terms by its advocates, could not for a long series of years be attended with any practical benefit.

The next subject to which I shall call your attention is the Bill for the appointment of Charitable Trustees. That Bill was rejected by your Lordships, and it was rejected on account of the viciousness of its principle. By that Bill the election of the trustees was so contrived as to render them necessarily political partisans: and we were of opinion—an opinion which I then entertained, and still continue to maintain—that nothing could be more objectionable than the administration of charities upon principles of this description. Nay more, my Lords, we objected to this Bill upon another ground, no less material than the former, and it was this, that a large proportion of the charities to which the Bill applied were charities founded, and declared by the deeds of the founders, to be intended for the benefit of members of the Established Church. Now, the Bill proposed a mode for selecting trustees which was calculated to place the management of those trusts in the hands of Dissenters. I do not mean, for a moment, to insinuate any thing against that class of persons; but I am sure that your Lordships must think, and the country, I am sure, will think with you, that nothing could be more inconsistent with a due desire to maintain the interests of the Established Church, than that charities of this description, and more particularly so as many of them are school foundations, should be administered by the description of persons to whom I have referred. If it were necessary to proceed further, I might add, that it has over and over again been publicly declared by the partisans of reform, that their object is to remodel those schools, disregarding the will of the founders, and to form them upon a plan and system of education, more congenial to their own views and opinions.

These are a few (and I state them merely as a sample) of those measures which the noble Baron has denounced, and upon which he appeals to the country. I join him in such appeal, and look to the issue with anticipated triumph. As a part of the great council of the nation, as representing its best interests, and as accountable to it for the manner in which we discharge our high duties, we accept his challenge. We have not slumbered at our post. Neither led astray by the allurements of pleasure, nor seduced by the love of ease or the softness of indolence; but vigilant, active, fearless, we have fought the battle of the Constitution, acting up to our high calling, and to the great duties which it has imposed upon us. We may have erred, but our aim at least has been just, and great, and noble, and corresponding to the position which I trust we shall long hold in the hearts of the nation.

But, my Lords, there are other measures to which I must call your attention, with a different view. A bill was brought in by the most reverend Prelate, upon the subject of Pluralities. It was by far the best measure which had ever been submitted to Parliament upon this delicate and difficult question. Many persons had before directed their attention to it, but had failed in producing anything satisfactory as the result of their labours. The Bill was supported in this House by the Ministers of the Crown, as it was their duty to have done; it was supported and adopted by them, as it was their duty to do, in the other House of Parliament. It was allowed to proceed for a time, and through the earlier stages, but the moment at length arrived when a period was to be put to its progress. Certain supporters of the Government determined that it should proceed no further. Resistance, on the part of the Government, was at first attempted, but they soon gave way, and submitted to this dictation on the part of their supporters, and thereby sacrificed a measure, which they themselves had, by their conduct, and in terms, declared to be of great value to the interests of the Established Church, and of great importance to the interests of the country.

There was, my Lords, another measure, a bill framed under the direction of the Government, to carry into effect the Fourth Report of the Church Commissioners—a commission and report to which several Members of the Cabinet were parties. The report which I hold in my hand, I see, was signed by the noble Viscount; by the noble Marquess the President of the Council; it was signed by the noble Lord, the leader in the other House of Parliament, and other Members of the Cabinet. It recommended very extensive regulations and reforms in a part of the Church Establishment. The Bill founded on that report was brought into the other House of Parliament. It had scarcely appeared, when the party to whom I have already referred, compelled the noble Lord to stop his proceedings. A mutiny broke out in the camp, and he found it necessary to comply. A conference was announced —it was held somewhere in the neighbourhood of Downing-street, or of Whitehall. According to public rumour, it was not carried on in those well-bred whispers which sometimes mark the free conferences between the Lords and Commons. What was the result? It was insisted, in terms of a very decisive character, that Ministers must abandon their measure. They were compelled to yield; and the other Bill respecting the sees throughout England and Wales, as we are told, nearly shared the same fate.

Here, then, is a second instance in which a measure of great importance to the interests of the Church and of the public, recommended, after a long inquiry, by the Ministers, prepared, brought forward, and supported by them, was abandoned, after a feeble resistance, at the dictation of that section of their supporters to whom I have referred. But this is not all. There is a third measure to which I beg for a moment to call your Lordships' attention, the Bill for the Registration of Voters. What is the history of that Bill? It originated in a Committee appointed by Government, and over which a Member of the Government presided. After long inquiry and deliberation, they came to certain conclusions upon the subject; in consequence of which a Bill was prepared, under the direction of Government, and was brought into the other House of Parliament. Upon the back of that Bill I see the names of Lord John Russell, the Attorney-General, and the Solicitor-General. It was, therefore, emphatically a measure of Government, and I must say, with one or two exceptions, an extremely good Bill, and which ought to have been adopted, and been passed into a law. But what, my Lords, was the result? The party to whom I have already referred, opposed the progress of it; they remodelled most of its regulations, and though it appears that some resistance was made to these changes, they were at length acquiesced in, and the Bill thus changed, was brought up to your Lordships' House. I really thought that we were entitled to the gratitude of the noble Viscount for the course we thought it right to pursue. My noble Friend (Lord Wharncliffe) applied his vigorous and manly mind to the consideration of this Bill—he noticed the alterations which had been made in it, and determined at last to get rid of those interpolations, and to restore, as nearly as possible, the text of the noble Viscount's Bill to its original purity. Were we not justified, then, in considering ourselves entitled to the thanks of the noble Viscount, supporting as we did his own measure, prepared after so much consideration and care by the Government? Instead of this, to our infinite surprise, we were again visited with one of those tempests of invective and of passion so familiar to the noble Viscount, and so frequently directed against those noble Lords who sit on this side of the House. And what was the result? This Bill of the Government, their own measure, was abandoned by the noble Viscount, who, in a careless tone, stated across the table, that he should proceed no further with it,—and for what reason? obviously because it restored the Ministerial measure to its original purity. In a friendly whisper across the table the noble Viscount said, "I'll abandon my w Bill." He dreaded the opposition and resentment of that class of his supporters by whom in the other House of Parliament the Bill had been so completely altered and deformed.

And this, my Lords, is a Government! Was there ever, in the history of this country, a body of men who would have condescended so low as to attempt to carry on the Government under such circumstances. In this House they are utterly powerless—they can effect nothing. We on this side of the House are obliged to perform the duties of the Government for them. In the other House of Parliament, measures which they themselves have advised and prepared, and brought forward, involving, as they tell us, the most important interests of the country, they without scruple tamely abandon at the dictation of any section of their supporters. Yet, thus disgraced and trampled upon, they still condescend to hold the reins of Government.—Proud men, eminent statesmen, distinguished and high-minded rulers!

But is this description of their domestic policy countervailed by the splendour of their foreign administration? Is the gloomy and wretched state of the one side of Downing-street relieved by the brilliant glories of the other? My Lords, this is a fruitful topic for consideration and discussion, but too extensive for the present occasion. I will imitate the prudence and reserve of my noble Friend, the noble Duke, and leave it to each of your Lordships to consider whether the measures and policy pursued by his Majesty's Government have been such as to ensure the confidence and command the respect of other nations. Whether they have been calculated to induce them to court or to shun our alliance—to lead them to regard us with feelings of favour, or of distrust and aversion. But, my Lords, it is impossible not to pause for a moment in considering their policy with respect to Spain. By their intervention, so much in opposition to their former principles,—by their measures with respect to this country, they have wasted between one and two millions sterling of the public treasure—and what have they obtained in return? Disappointment, defeat, and disgrace. They have compromised the honour of their Sovereign, and tarnished the reputation and character of their country. In looking at Spain, it is impossible not to recollect that it was the cradle of those brilliant exploits by which our late great and ardnous struggle was so remarkably distinguished; and that it was in that land that those armies were formed, which achieved victory after victory, led on by the skill and conduct of the noble Duke, which raised the military glory of the country to a height scarcely ever attained at any former period of our history. It would seem as if some envious and malignant demon had determined to interfere to sully this reputation, and suggested, as a fit means, that miserable buccaneering expedition, patronized by the Government, so unworthy a great and powerful nation, and which has rendered us odious to Spain, and ridiculous and contemptible to the rest of the world. And yet the noble Viscount stands erect and confident amid these accumulated disasters and disgraces, and reversing the rule of the poet, is swelling and lofty in his tone and language, in proportion to the fallen and abject state of his fortunes, and the reeling and staggering condition of his government. In former times, amid such defeats, and unable to carry those measures which he considered essential and necessary, a Minister would have thought that he had only one course to pursue. These are antiquated notions—every thing has changed. This fastidious delicacy forms no part of the character of the noble Viscount. He has told us, and his acts correspond with his assertions, that notwithstanding the insubordination that prevails around him, in spite of the mutinous and sullen temper of his crew, he will stick to the vessel while a single plank remains afloat. Let me, however, as a friendly adviser of the noble Viscount, recommend him to get her as speedily as possible into still water.

" ——— Fortiter occupa
" Portum—"

Let the noble Lord look to the empty benches around him—

" ——— nonne vides ut
" Nudum remigio latus,

* * * * * *

" Vix durare carinæ
Possint imperiosius
" Æquor?"

After all, there is something in the efforts and exertions of the noble Viscount not altogether unamusing. It is impossible under any circumstances, not to respect

"The brave man struggling in the storms of fate."

May a part at least of what follows be averted—

" And greatly falling with a falling state."

My consolation is, that whatever be the disposition of the noble Viscount, he has not sufficient strength, though his locks, I believe, are yet unshorn, to pull down the pillars of the building, and involve the whole in his ruin. I trust it will long survive his fall. The noble Lord concluded by moving for "A return of the number of public bills originated in this House during the present Session, distinguishing how many passed with, and how many without amendment, and how many were withdrawn or rejected, either here or in the House of Commons, distinguishing the number in each House; and also, return of the number of public bills originated during the present Session in the House of Commons, distinguishing how many passed with, and how many without, amendments, and how many were withdrawn or rejected either by the House of Commons or this House, distinguishing the number in each House."

Lord *Holland*: My Lords, an accidental and unlucky expression of mine in a speech upon the Stannaries Bill, being the peg upon which it appears, that the noble and learned Lord has thought proper to fasten his sarcastic, but elaborate and entertaining speech, and the noble and learned Lord having, in a subsequent portion of his speech, bestowed a very disproportionate share of his observations on the subject of that Bill, and on the part I lately took in the discussion upon it, I feel personally called upon to say a few words to your Lordships. Indeed, in another part of the noble and learned Lord's speech, he has reflected upon me. I will not, however, dwell on those parts of his remarks which were personal to myself, nor will I offer anything in objection to the motion that concluded the speech; a motion which had really little, or nothing to do with most of the subjects which the noble and learned Lord had previously discussed—neither will I trouble your Lordships with any remarks as to the stringency of the noble and learned Lord's observations, in reference to the conduct of the present Government. I confess, I was not prepared for the observations which have just been delivered by the noble and learned Lord. I certainly was not prepared for that which I must contend was one of the strangest proceedings I have ever yet known to be adopted in Parliament. I certainly was not prepared for an oration like this, in which the noble and learned Lord was to boast of his exploits during the past Session. Now, though I have been called by the noble and learned Lord something like a sophist, I shall not, I assure you, be the Æschines who will try to take off the edge of his speech. I will not say, that the noble and learned Lord's proceeding is irregular; it certainly is not illegal—I will not seek for any far-fetched phrase to designate a proceeding, which I feel to be sophistical in itself; but I will tell the noble Lord in plain and homely English (and I hope he will excuse me for using such a phrase) that I regard his as a "queer" proceeding, in point of taste and of logic. I think first in point of taste, because I am sure if any expression escaped from me, personal to the noble and learned Lord, or to others, I should have been at the time it escaped me, or now, most ready to recall it. I am ready to give credit to noble Lords, that in rejecting measures, they, in their consciences, believe they were following what is the right course in so doing. But, my Lords, I always thought until now, that when any noble Lord felt, or a majority of your Lordships felt, called upon in your consciences, and by your feelings, to take such view of the subject as to reject the petitions and the prayers of the people of this country, signified by the legal representatives, that, at least, that was a duty painful to you to perform, instead of its being, as it has now been made, a subject for triumph and exultation. This, however, it is, that the noble and learned Lord boasts of—it is upon this he founds his claim for favour—this is the ground for his exultation. Now, this seems to me, to be rather strange in point of taste, because I should have thought that as to the progeny of our sister House of Parliament, when we were obliged to dismiss them from our doors, we should at least do so with a sigh, instead of doing as the noble and learned Lord has done, adding insult, contempt, and contumely, to the rejection of their prayer. In point of logic, I must say, that I do not see any very great merit in rejecting measures. I shall not, as some have objected to it, use the word mutilation of measures; but it seems that when applied to the Commons, the noble and learned Lord had no objection to speak of the "mutilations" of the other House of Parliament; and this he did with regard to other measures, in which the House of Commons exercised a discretion at variance with the opinion of the noble and learned Lord. At the beginning of the Session, I ventured to compare the noble and learned Lord to Timotheus; but at present (and I hope it may not give offence) I must own that I made a mistake —he has become Alexander, and he has become so pleased with the sound of his own exploits, that he has gratified us with the speech we have just heard:

"Sooth'd with the strain, the King grew vain;
Fought all his battles o'er again:
And thrice he routed all his foes; and thrice
he slew the slain;"

But for what purpose is all this done? For the purpose of explaining away why it is that all the efforts of the noble and learned Lord have been of no avail—that my noble Colleagues have been sustained by what they regard to be the opinion of the majority of the House of Commons. The noble and learned Lord seems to think this an antiquated notion. Is it an antiquated notion, that a Government, having the confidence of the people should regulate their conduct so as to deserve that confidence? Is this a new doctrine, or is it an antiquated opinion? At one time it did not appear to be so very antiquated to the noble and learned Lord. The noble and learned Lord says, that my noble Friend consults a section of those who support him in the other House of Parliament. My noble Friend has the confidence of the House of Commons, and of the people who sent them there. I, for one, then, shall advise him to adhere to his present station; and whatever may be the diffidence felt, whatever the distrust expressed, whatever the sarcasms resorted to by others, I am sure they will always reconcile my noble Friend to their endurance as long as he enjoys the confidence of the House of Commons; for while he has that confidence, he can defy, even if it be necessary, the contempt and the distrust entertained elsewhere. The time was, when even the noble and learned Lord would have admitted that in such a motion as this there was some force. But what is the advantage of all that has been done by the noble and learned Lord—of all that has been rejected by him? I remember to have heard of a learned gentleman, one who was much better known by his wit than logic—the biographer of Johnson—who was so elated at being admitted into the club of which Dr. Johnson was a member, that he was very much in the habit of boasting and exalting himself on this point, and, enlarging upon the great merits of the club, he used this figure of speech, which was not a little known for its singularity, that "such was the great wisdom and talents of the club, that those blackballed, who had wished to be members, would make the best society in all Europe." So it is in the opinion of the noble and learned Lord. This is, he thinks, an excellent branch of the Legislature for blackballing Bills, or, by altering and rejecting so many Bills, the noble and learned Lord appeared to suppose that all they had refused to sanction would form an excellent code for sny other senatorial body to adopt. Now, my Lords, we are to recollect that these Bills, for which such merit is now assumed in their being rejected, were, even according to the noble and learned Lord's own showing, not all bad Bills. The noble and learned Lord has admitted as to some of them, that as to the general objects they had in view, it was desirable, if not absolutely necessary, that they ought to be attained; and yet, what have noble Lords done? In their endeavours to improve, they have actually lost those Bills. This is, in my opinion, a subject of regret—it may have occurred in the discharge of an imperious duty; but it is one that noble Lords ought to consider painful and unpleasant to reflect upon. I cannot really follow the noble and learned Lord through the enumeration of his Bills; I cannot recal them all to my mind; but I must say one word of a Bill to which not many of your Lordships paid very great attention. I certainly felt anxious that you should pass it, and yet, I must say, in the recapitulation of the Bills, a very large portion of the noble and learned Lord's speech was occupied by it; that Bill is the Stannaries' Bill. Upon my word—the noble and learned Lord must forgive me for using the expression—but in the strange and excellent speech he has made, I must say that that part of it appeared to me to be ludicrous and burlesque in the extreme. Your Lordships would suppose that for a long time there had been a court held in Cornwall, of which the judge held his office during good behaviour, and was removable by the Crown, and that we, by some legerdemain, introduced a Bill, enacting that he should hold office only during pleasure. So far, now, is that from being the case, that we made the judge more independent than he had been heretofore. There is a court in Cornwall of which the judge holds office only during pleasure, and is removable by the Duke of Cornwall. I did not positively state that, though I knew it very well when the Bill was under discussion. If I am wrong, my noble Friend opposite (the Earl of Falmouth) is able to correct me; but instead of making the judge more easily removed from his place, we made his place more certain. That Bill applied a great many restrictions upon his removal, and it is necessary by it to have the concurrence of the supreme authority before the judge or vice-warden can be removed. And yet, my Lords, it is upon this that we have had such beautiful declamation as to constitutional principles, as if we did not know the common meaning of constitutional principles. But, in connection with the Stannaries Bill, there was one insinuation by the noble and learned Lord, which, if founded in truth, was somewhat uncourteous. The noble Lord says, that I talked in a low—in so exceedingly low a tone, that I could not be heard below the bar. Now, my Lords, I do not know whether the situation which the noble and learned Lord selects is for the purpose of being heard, at least the noble and learned Lord appears to be aware, that persons may, in some places in this House, be heard to more advantage than in others. I wish, my Lords, I had the same command of my voice and of my passions that he has. Such as I am, I am now known to your Lordships for forty years, and I ask you whether you ever knew of my arranging my voice very artificially, or with a view to be heard by this man, and not to be heard by that? Mark, now, the inconsistency of the noble and learned Lord. He describes me, he compliments me, as the concentration of Whig liberty and constitutional principles; and when he ascribes to me, I will not say Conservative principles—when he says that I dropped my voice upon that occasion—the noble Lord, who is so Conservative, who is such a stickler for liberty, what did he do? You would suppose, from the compliments he has paid to my noble and learned Friend's (Lord Langdale's) great abilities in opposing that Bill, that the noble and learned Lord at least had seconded him—that he had stood up for the judge—and yet not one word was said by the noble and learned Lord on that occasion. He did not merely let his voice fall, but he did not let a word be heard. No; he has reserved it all for this occasion, to exalt the glory of this House, and to show the dangers of attending to the wishes of the people of England. There was a time when the people of England were not to be distinguished from the House of Commons—the notion was repudiated that any distinction could be made between them. It is almost unnecessary to say, that it was the Tories that would recognise no such distinction. "What!" they were accustomed to say, "do you talk to us of the people of England? we have the House of Commons; in them we recognise the people of England;—they are them." What has happened since then? That the people of England speak a little more the voice of the people of England. Now, it appears they are the section of a party; and the noble and learned Lord, with that high degree of stern virtue that belongs to him, declares that he would feel himself degraded from the high elevation of consistency that has always marked his inflexible nature as a statesman; he who feels that he has never changed his opinions; he who never could bend before the authority of the day—he it is who declares he would not brook the interference of a majority of the House of Commons; that he would leave office; that he would spurn it with contempt, sooner than be governed by such cobblers and low people. These are the high notions that the noble and learned Lord has of the duties of a statesman. I do not follow the noble and learned Lord in his aspiring notions, and for what good purpose could I do so? Since, however, the noble and learned Lord has expressed his deep compassion for the situation in which I and my Colleagues are placed, I hope the noble and learned Lord will think that I do not take an improper liberty with him if I give to him a little wholesome admonition. Ever admiring, as I sincerely do, his abilities, and acknowledging the beauty and talent of his speech, yet I cannot compliment him upon his judgment. I do not understand why he made such a speech—it has always appeared to me to be conceit to put ourselves in the situation of others, and then say they ought to do so and so; but yet I cannot help thinking that the noble and learned Lord does not appear to understand the situation in which he is placed, or he would not have addressed us on a topic which, if in his situation, I should rather have deprecated. I certainly should not unnecessarily do so, for it was not necessary for him to say all he has said. In the present feverish state of the public mind respecting the relative positions of the House of Lords and the House of Commons, I must say that I do not think it was wise or prudent in the noble and learned Lord, thus unnecessarily, and without being forced to it by any public measure of importance, to come down prepared with an elaborate and deliberate attack upon the House of Commons, coupled with a retrospective glance in justification of the conduct of this House in those points in which it has differed from the other branch of the Legislature. This is a course of proceeding which I cannot but deprecate. I have always been ready to admit that the noble Lord possessed talents of a high degree, and was no mean legal authority with the nation, though the weight of that authority must, I suspect, be somewhat diminished by such a course as he has adopted this evening—conduct which is rather aggravated than palliated by the high abilities which the noble and learned Lord is known to possess. With regard to the expression of the word "disgust," which the noble and learned Lord finds fault in me for, I beg very briefly to declare, that I did not mean that it should be taken in the light the noble and learned Lord seemed to think, nor did I wish that it should be felt so by him. But the noble and learned Lord should be aware, and should admit, that there are certain proceedings of this nature which are not nearly so severely felt if done in one way, to what they would be if accompanied by a different demonstration of feeling, and done in a different manner. Though I may regret the rejection of any particular Bill which your Lordships may have refused to pass, I regret more particularly the *animus* in which that was done, the manner, and the arguments by which your Lordships' proceedings in rejecting it have been accompanied. The number of Bills which your Lordships have been the means of throwing out, and the sort of hawk's eye with which you have pounced upon them—pouncing, as it were, upon minor articles in their construction, regardless of the great merit which pervaded their general nature; this is the course which I condemn, and which I think no really wise senators would have adopted. With regard to subjects touched upon in the latter part of the noble and learned Lord's speech, I do not think that the noble and learned Lord has succeeded in proving its relevancy or exact connection with the subject matter of the motion with which he concluded his address. In this part of his speech the noble and learned Lord touched, very briefly, to be sure, upon the foreign policy of the present Government. Now, it may be very easy to turn up one's eyes, and say the honour of the Crown is falling, the nation is brought into disgrace; but I would ask the noble and learned Lord to look at the actual position of affairs, let him turn his eyes to the east and to the west, where he will find, in the connexion which this country now holds there, ample proof that the weight of authority and respect amongst nations which England once, as he declares, possessed, is not entirely gone from her. The noble and learned Lord alluded particularly to Spain—a melancholy subject I admit. There are others, perhaps, in this House who may be better able to bestow praises upon the noble Duke so intimately connected by his former exploits with that unhappy country, or bestow them with more discretion, with more nicety of expression, than I am; but I deny that there is any one who can more heartily utter the tribute of admiration so justly due to him than myself. Now, what did the noble Duke do when he came into the Foreign-office some months back? Did he vary in any one point from the policy which had been adopted by his predecessors in office? Did he attempt to alter in any one particular the position in which he then found this country with regard to other powers? In regard to Portugal, to be sure, I recollect that the noble Duke commented upon proceedings then in course, in reference to that country, and said that Portugal had been too much divided from this country already, and that there must be no more division between them. I would ask the noble Duke and the House to compare the position of Portugal with regard to this country, in the time of my Lord Grey's Government, with its present position. I may be told, "Oh yes, but this was not all your doing." True, it was not all our doing, but in every considerable point it was our doing; and exactly the same line of policy are we now attempting to carry into effect with regard to Spain. When we took office we were told, that if we kept peace for three months it would be a matter of astonishment. Why, we have now kept peace for six years. I must say, that there appears to me to be some proofs in existence, that neither the influence nor the interest of this country have lost ground within the last two years. There is a strong desire on the part of all foreign powers to keep peace with us; and to be able to say, "the world is tranquil and we are in no apprehension of danger," is, in my opinion, the best proof that our foreign policy has not been entirely mismanaged. I have now to apologise for having occupied so much of the time of the House, and for having said so much of myself; but after what fell from the noble and learned Lord, in allusion to my conduct, I felt that I could not properly allow the matter to pass over without observation.

Lord *Lyndhurst* explained, that in reference to what the noble Baron had said in the course of his speech on the score of his (Lord Lyndhurst's) neglect of duty in not having taken a more prominent part in the discussion on the Stannaries Bill, the fact was this—that his noble and learned Friend on the other side of the House having made a very elaborate and learned speech upon the subject, and having been followed by his noble and learned Friend near him, the subject appeared to him to be fully exhausted, and not to stand in need of any observations from himself.

Lord *Holland* observed, that he did not think the explanation of the noble and learned Lord to be quite conclusive on this point; for that if the noble and learned Lord had said all he had said to-night on the subject of this Bill, when the Bill was going into Committee on the report, or on the third reading—which he was very glad the noble and learned Lord had not done—yet, if the noble and learned Lord had done so, he thought the Bill would have been thrown out, and the evil consequences of it averted.

Viscount *Melbourne:* It is impossible for me not to admit, with my noble Friend who has just sat down, the great powers of eloquence possessed by the noble and learned Lord opposite; his dexterity in sarcasm, and his clearness in argument, cannot be denied; and if the noble and learned Lord can be satisfied with a compliment confined strictly to his abilities, I am ready to render that homage to him. But, my Lords, ability is not everything; propriety of conduct—the *veracundia*—should also be combined with the *ingenium* to make a great man and a statesman, and not a man—*duri frontis, perditæ audaciæ!* The noble and learned Lord has referred, in the course of his speech, to many matters in history, and has quoted Shakspeare, and quoted the particulars of a great number of statesmen of former times, to whom the noble and learned Lord is pleased to say that I bear some resemblance. I beg, in return, to refer him to what was once said by the Earl of Bristol of another great statesman of former times (the Earl of Strafford), to whom the noble Lord might, I think, be not inapplicably compared; and of whom it was said that "The malignity of his practices was hugely aggravated by his vast talents, whereof God had given him the use, but the Devil the application." It is impossible to avoid remarking on this strange speech of the noble and learned Lord, that it is itself full of strong invective and attack, and in the course of which he accuses me of making use of invective and attack, also, in the course of my addresses to the House; it is impossible also, I think, to avoid contrasting the impotence of the motion with which the noble and learned Lord concluded, with the pompous and threatening language with which that motion was preluded. Would not the House, on hearing the speech of the noble and learned Lord, have been prepared to hear him conclude by moving an address to the Crown, expressive of want of confidence in the present Ministers, with a call for their immediate dismissal? The House might have expected to hear something little short of a criminal charge to wind up the speech of the noble and learned Lord; and after all their expectations, what must the House think of the noble Lord when he concludes his speech with a miserable motion for returns, which, from the numerous details entered upon by him in the course of his address, he appears scarcely to stand in need of. The noble and learned Lord entered upon a long and laboured defence of the way in which he and his party had acted in reference to various measures during the present Session. Now I cannot help thinking that the very trouble the noble and learned Lord seems to have taken on this score betrays a little uneasiness with regard to the light in which his conduct, and the conduct of his party may be viewed by others. The noble and learned Lord seems to think that there is an advantage in having the last word, but I apprehend, also, that in many cases the first word is a very great thing. Now we have had the first word already, and the application and effect of it are now in course of taking place, so that I should not fear to go to trial before any jury in the country, even though they had heard the speech of the noble and learned Lord, and that speech had been suffered to remain without answer and without explanation in my defence. The noble Lord takes credit to himself and his party for having behaved with the greatest meekness and leniency towards me and my Colleagues throughout the course of the present Session; they have moved for no papers to embarrass the Government, they have brought on no votes of censure against us. Now let me ask, why was it that noble Lords took up this meek and patient line of conduct? Was it because they were not willing to take upon themselves the Government of the country if the present Ministers were removed? or was it that they approved of our measures, and were willing to retain us in office? But if they did not approve of our measures—if they did not approve of the line of conduct we have been pursuing—why, let me ask, did they not make a motion of censure upon us, but that they distrusted, in fact, not us, but their power in the country? The noble and learned Lord boasts that he and his Friends are ready to appeal to the people. Then, in heaven's name, why do they not do so? Why do they not take some steps towards an appeal of this kind, as by an address to the Crown for our removal? That would be a course of conduct which would very speedily operate as an appeal to the people's feelings, such as the noble and learned Lord seems so anxiously to desire, the result of which would be to convince him, that the country at large has no participation in the opinions professed by himself and his party. Indeed all the noble Lords on the opposite side of the House seem to have silently acknowledged this melancholy truth, for although the speech of the noble and learned Lord was of a nature calculated to create a very great and deep impression on the minds of those who heard him, I could not but observe that the cheers with which he was greeted, by those who surrounded him, were faint and feeble in the extreme. For noble Lords know full well, that if they pledged themselves to the truth of all that fell from the noble and learned Lord, they would not be doing their duty if they suffered the administration of the affairs of the country, to remain in the hands of his Majesty's present Government, during the period which must, in all probability, elapse between this and the next Session of Parliament. It certainly appears to me very inconsistent in the noble and learned Lord to talk in the way he has done, when he knows all the time, that he and his Friends have not the support of the country, and, that, on that very account, they dare not take means to place themselves in the offices of Government, even though they might feel otherwise disposed to do so. It will not be expected of me to go through the retrospect of all that has occurred in the course of the present Session—if I were to do so, it is not probable that I should bring afresh to conviction any of your Lordship's minds in regard to those proceedings, and for myself, I can only say, that after such a retrospect, I should still remain of opinion, that the measures which we have espoused have been good and proper ones—measures of which the country stood in need—and that the arguments, by which they were supported were founded upon a firm basis of truth. The noble and learned Lord took the trouble to go through the King's Speech, delivered at the commencement of the Session, and observed upon it, that the promises which it held out were mighty, but that the works were nothing. It should be recollected, however, that the promises were what I had the power of making, but that their performance I could not command—your Lordships it was who interfered and prevented me from carrying those works into effect. If your Lordships had not interfered in the way you have done, and that, upon grounds which I could hardly have supposed any one would have adopted, and in which I must say you stood entirely alone, many of the measures proposed to be carried into effect would not have been impeded in their progress. You have thrown out the Registration of Voters Bill, though it had previously been agreed to, by those of your party in the House of Commons, [Lord *Lyndhurst:* No no!] I say it was agreed to by your party in the other House in its main features. Then there was the Post Office Bill, and the Roman Catholic Marriages Bill, which were hardly opposed by anybody in the House of Commons. You bring yourselves then into this dilemma. One of these two things is undoubtedly true—either that the Gentlemen of your party in the House of Commons, did not oppose these measures because they feared the unpopularity which would result to them for so doing, and chose rather to leave the task to you in this House—most improper conduct if it be so—which, however, I will not enter upon further; or that those whom you consider your friends in the House of Commons differ with you in respect to your opposition to these measures—in which case you must admit yourselves to stand awhile unsupported by your friends, in and out of Parliament, in the line of conduct which you have taken up in rejecting measures, which every body but yourselves, consider in the highest degree important and advantageous to the country. And this, I must candidly say, is a position in which I would not wish to see you stand with regard to the country. I have been accused of entertaining a desire to hold up to contempt the House of Lords, and to break in upon its constitutional powers in the State; this is not the case. I know too well the assistance and the services which such a branch of the Constitution is capable of rendering to the State, and I know full well that the State stands in need of all the honest service which it can command. It is not me, then, whom your Lordships have to accuse, but your own conduct only, if you find your power and influence with the people on the decline. If it should ever happen that you should hold office again, and should find yourselves bringing forward those very measures which you are now rejecting as you have done before, it will be much less easy for you to explain that conduct to the satisfaction of the public mind, and your own consciences, than it is for me to stand up erect under the load which the noble and learned Lord says I have pressing me down. The noble and learned Lord says the Court of Chancery Bill was a miserable abortion; but we should call to mind that he had himself brought in a Bill on the subject which he had not succeeded in carrying into force. With regard to the Stannaries Courts Bill, I really think with my noble Friend near me, that the conduct of the noble and learned Lord, is hardly borne out in not having taken this scheme also under his faithful care as he had done others, and prevented its passing into a law. I certainly am at a loss to conceive how he will justify it to himself, to have suffered to pass into a law a Bill which he considered, as he says, in the highest degree objectionable. With respect to the Irish Corporations and the Irish Church, I shall not repeat all the arguments that have been urged on those subjects, I shall only declare that I still adhere to the same opinions in respect to them which I have all along entertained. With regard to the Stamp Duties upon Newspapers Bill I must say that I was very much surprised at the rejection of certain clauses in it, considering the parties by whom that was done, and considering their former opinions, and the general sentiments still said to be entertained by them in regard to the press. For my own part, I must admit that I was not very eager about these clauses. I think, however, that it would tend very materially to raise the character of the press of this country if it were known who were the persons who conducted it. In saying this I do not wish to say anything which could be considered disrespectful towards anybody; but I certainly repeat my opinion that the press might be every day raised to a higher standard, as regarded fairness and truth, if the conductors of it were fairly known to the public, and I think that these clauses were very well calculated to bring about this desirable object. Upon this ground, therefore, I cannot but regret that they were rejected by this House. As to the conduct of the House of Commons in setting aside the Bill in which those omissions had been made, and the passing another Bill without those clauses, I can only say, that in so doing the House of Commons showed themselves to be not so regardless of the wants and desires of the public as your Lordships, under similar circumstances, have sometimes proved yourselves to be. The noble and learned Lord referred also to the Bills for the Reform of the Church, which the lateness of the Session, and I candidly admit it, the opposition which sprung up against them at that late period, rendered it impossible to carry through this Session. I still consider these to be very valuable measures, and calculated to be of the most important benefit to the country. But is there anything so very new or unusual in the fact of a Minister being obliged to defer till another Session measures which he was anxious to carry without further delay? It would be easy to procure many examples as precedents to the present case, in which Ministers had been obliged to delay their intentions, and defer a measure which they considered of great importance until a future time. There is the Act of Union itself, for instance, which circumstances at the time obliged the Minister to defer. Now, with regard to the matters of foreign policy, which the noble Lord touched upon, but in a manner which evidently showed that he had no intention to enter upon nor to provoke a public discussion upon the subject—I must say that I think the noble and learned Lord would have better consulted the interests and the dignity of the country — which he expressed himself so anxious to promote—if he had abstained from declaring in the abrupt manner which he did, his opinion that the character of the country was lowered throughout Europe, and her power and influence come to nought; terms and assertions, it is true, which, are but too often used in the heat of debate, and with very little signification or importance of meaning—but which ought not, I think, to be brought forward on an occasion like the present so lightly, and so totally unsupported by anything like argument. The very fact of the mediation which is now going on through the medium of this country, between France and the American States, certainly goes a little way to show that there is no diminution in power, no want of authority, on the part of this country in regard to foreign nations, but that she is still held in the high light which she has so long deservedly occupied. I can only say, that if the noble and learned Lord still adheres to the opinions which he has expressed upon this subject, he will be deserting his duty to his country if he does not take some more decisive and efficient steps in this matter. In conclusion—as to holding office, I have only to say, that I conscientiously believe that the well-being of the country requires that I should hold it—and hold it I will—till I am removed.

The Duke of *Wellington:* Accustomed as my noble and learned Friend has been of late to hear hard language levelled against himself and others with whom he acts in this House, I certainly was not surprised to hear him, in moving for these papers, take the opportunity of replying to the sarcasms which have been so often used on the other side of the House, and of defending the conduct of himself and his friends from the charges which have been so repeatedly made against him and noble Lords with whom he generally acts. The noble Baron who recently spoke, and the noble Viscount who has just sat down, appeared totally to have forgotten the harsh terms which had been used by them towards my noble and learned Friend; and seemed also not to bear in mind what was the object of the present motion, and what the tenor of my noble and learned Friend's observations were, as connected with the returns he moved for. The object of my noble and learned Friend's motion is to show the state of legislation at present going on in this country, as relates respectively to the Houses of Lords and Commons. In the course of his speech, my noble and learned Friend took occasion to defend the conduct adopted by himself and his friends in respect to certain measures which had not passed into laws, and also as to certain measures which had passed, comparing them with the announcements which had been made of them in the speech delivered by his Majesty from the Throne on the opening of the Session. My noble and learned Friend has, with great ability, shown the fate of those measures which have been brought forward by his Majesty's Ministers in pursuance of the announcements in his Majesty's speech, and he had also shown that measures therein announced have not been carried into effect; he also showed what the fate of those measures had been, not only in this but in the other House of Parliament, in which we are given to understand that the influence of his Majesty's Government is paramount. That was purely the object of my noble and learned Friend's speech, and for that he has been taunted by the sarcasms of the noble Viscount. From my own experience, I must take the liberty of observing, that I consider the conduct pursued by noble Lords on this side of the House throughout the present Session to have been marked with the utmost moderation. For myself, I think I am correct in stating, that since the Address to the Throne, in answer to the King's Speech, with the exception only of one occasion, when I requested the noble Viscount to postpone the Corporations (Ireland) Bill till after the Easter holidays, I never entered the House until after Easter. Since that period I have certainly taken part in the proceedings that have been going forward in the House, and I have felt it my duty to oppose some of the measures of Government; but I think I shall be borne out when I say that I have accompanied the vote which I have given with observations expressed in terms of great moderation. I have acted on all occasions to the best of my opinion, and in a way which I thought most calculated to be beneficial to the country. The noble Viscount has been pleased to taunt us for not having addressed the King with a view to obtain his and his colleagues' removal from the situations which they hold. If the noble Viscount would look at the manner in which they were appointed to office, if he would look at the whole history of the last twelve-months, I think he would find sufficient reason for our not having adopted that course of proceeding. The noble Viscount knows very well on what ground he stands, and, knowing that, it would have been just as well in him if he had avoided his taunts against us for not having asked the King to remove him from office. I would take the liberty to recommend the noble Viscount to consider himself not as the Minister of a democratic body in another place, but as the Minister of a Sovereign in a limited monarchy, in a country, great in point of extent, great in its possessions, and in the various interests which it comprises; and that, considering these circumstances, he should, in future, concoct such measures as he has reason to think may pass with the approval and suit the general interests of all, meet the goodwill of all, and not of one particular party, in one particular place only. If the noble Viscount will but follow that course for some little time, he will find no difficulty in conducting the business of the Government in this House, but will find every facility afforded him in forwarding measures of the above description. I would beg the noble Viscount to recollect one fact, in regard to the Church of England, whether in England or in Ireland. Let him recollect that the avowed policy followed by this country during the last 300 years, has been to retain inviolable that Church Establishment; we are called here to consult particularly for the good of the Church, and if the noble Viscount brings forward any measures relating to that subject, let him recollect that all measures of such a kind must be discussed by us with that particular object in view. This is not only the old policy of this House of 300 years standing, but it is that upon which we acted no longer than eight or nine years ago, when we had occasion to review the safeguards and general landmarks whereby the Church Establishment of this country was defended. With regard to foreign policy, I have myself staid away from the House frequently in the course of the present Session, in order purposely to avoid entering into discussion upon that subject, and upon the present occasion, I shall not enter very largely upon it. The noble Lord opposite says, that when I came into office, I followed the course which I found in existence adopted by my predecessors. My Lords, when I entered office I found a treaty in existence. I know that it has not always been the practice of Ministers to carry into execution treaties thus forced on them, but I considered that on this occasion it was my duty to do so. I went further—I took the first step towards at least humanising the proceedings in that country, if not ultimately of bringing the parties to a reconciliation. I felt desirous of doing this, not only for the sake of unanimity, but also on account of the great interest I felt in a country where I had served so long. I deeply lament that his Majesty's present Ministers should have entered upon an active interference in the hostilities which still unfortunately are carried on in Spain. I will not now speak further upon any of the measures which have been proposed, because it is my sincere wish not to involve the House in discussions which can answer no useful purpose, and which can indeed produce nothing but mischief. I merely rose to justify my noble and learned Friend for proposing the present motion, and having done so I shall no longer detain the House.

The *Lord Chancellor* said, it was quite impossible that two speeches could be more different in tone and temper than those of the noble Duke and the noble and learned Baron. They differed *toto cælo.* He was surprised that so much time had elapsed before any noble Lord rose to support the noble and learned Baron's proposition; and he was equally surprised at the tone which had been adopted by the noble Duke; because, though it was quite consistent with the temperance always manifested by that noble Duke, yet it was entirely different from the tone of the noble and learned Lord who had proposed the motion; and when the noble Duke said he rose to support the noble and learned Baron, he must confess that he thought it one of the few instances in which success had not attended that noble Duke's efforts. The noble and learned Baron had thought proper to say that, looking at the whole foreign and domestic policy of his Majesty's Ministers, he considered that they had disgraced themselves in the eyes of the country; yet the noble Duke expressly said, that he did not wish to see those Ministers removed from their office: the noble Duke could not, therefore, concur in the opinion previously expressed by the noble and learned Baron. The present discussion was not one in which he should have taken any part, had it not been that the noble and learned Baron opposite, in the course of his attack, had thought proper particularly to advert to three measures with which he had been connected. If the noble and learned Lord had wished fairly to complain of the conduct of his Majesty's Ministers, he should have moved for the papers first, and then have brought forward his charges; but the noble and learned Lord, he apprehended, found it far more convenient to make the attack before obtaining the information. In the first place, the noble Lord fell foul of the Stannaries Bill, which he was pleased to describe as an unconstitutional measure—upon what ground, he was altogether at a loss to comprehend. The object of that Bill simply was, to make more independent a judge—the vice-warden—who had hitherto been removeable at pleasure: an improvement which certainly appeared to be anything but unconstitutional. Another measure which had met with the noble and learned Baron's hostility was that which had been introduced for the purpose of effecting a very important, a long and universally called for, object—the better administration of the Court of Chancery; combined with which measure was another, also loudly called for—to improve the judicial legislation of their Lordships. To another most important and desirable measure which had also been thrown out by their Lordships, the Abolition of Imprisonment for Debt Bill, the objection set up to it by the noble and learned Lord and his friends was, the alleged late period of the Session at which it was introduced. Yet this Bill, so generally called for by the people, was introduced before the end of June, and surely there still remained enough weeks of the Session wherein fully to discuss its provisions. No Bill of the present session had occupied more than one or two nights in Committee; yet the noble and learned Lord induced his Friends to re-echo his assertion, that six weeks and upwards was not sufficient to do justice to the Imprisonment for Debt Abolition Bill. This, however, was not the class of objection which had been taken to the Court of Chancery Bill, which was honoured so far as to be considered upon its merits, or demerits. He (the Lord Chancellor) should not, of course, think of taking up the time of the House by going into any statement as to the nature and objects of that Bill. It was sufficient to say, that it was a measure which provided a remedy—an easy, if not a complete one—for the crying evils which so many of his Majesty's subjects daily experienced from the present system of administration of the Court of Chancery. Of these evils no one was better aware than the noble and learned Lord; and he was equally surprised and grieved to find that that noble and learned Lord, instead of coming forward to aid by his advice the great work of remedying them, had altogether opposed the Bill, which was intended to supply, at least to some considerable extent, that long-desired remedy;—so far from anticipating that noble and learned Lord's hostility, he had fully expected his zealous co-operation. So with the other measure, which was designed to facilitate and improve the administration of justice in their Lordships' House. It had never been denied, even by the most hardy, that such an improvement was what the public had a right to expect, and what it became their Lordships to accede to. It was no doubt difficult to fix upon the right remedy, and to carry it out in all its details; but although probably the remedy proposed might not have been the most complete, yet it at least went to secure, as far as possible, the object in view, without interfering with the known and acknowledged principles in which it was deemed dangerous to make an alteration. It might not perhaps have been the best plan, but it was at any rate a safe one. It was to be regretted that what was defective in that plan, the noble and learned Baron had not lent the aid of his talents to rectify—a course which would have been much more satisfactory to the country than his rejection of the measure altogether. The last measure which the noble and learned Lord had described as involving in disgrace the Minister who brought it forward and had not carried it through, was the Bill for the consolidation of the ecclesiastical courts—an important measure, and also one surrounded with many difficulties. Now, in reference to this measure, it was generally understood that it was absolutely essential as a preliminary to this Bill, that both the Bill for the better discipline of the Church, and also the "Executors" and "Wills" Bills should have passed the House, and neither of these Bills were passed. He considered this statement as a sufficient exoneration for him from the charge of not going through with the Bills which he had undertaken. Having made these observations, he would no longer detain the House.

Motion agreed to

MUNICIPAL ELECTIONS.] On the motion that the House should go into Committee on this Bill,

Lord *Lyndhurst* said, he had no objection to the other three Bills, which he embodied parts of that Bill from the amendments made, in which the other House had dissented; but he considered that their Lordships could not adopt the present Bill, without abandoning the determination they had come to, with respect to those amendments, therefore he felt it to be his duty to move, "that the Bill be committed this day three weeks."

The *Lord Chancellor* was surprised at the motion made by the noble and learned Lord. He begged their Lordships would bear in mind, that everything which this Bill contained was in the former Bill when it left that House, and went back to the House of Commons. It comprehended merely those provisions that were necessary to remedy the acknowledged inconveniences which both Houses of Parliament had agreed ought to be remedied. The measure provided against some accidental omissions in the Bill of last year, set at rest some questions of construction, supplied some defects in the present mode of revising the burgess-list, and corrected other inadvertencies. The only argument that had been used to induce their Lordships to throw out this Bill was, that certain parts of it formed part of another Bill, in which a point arose, which became a point of disagreement between the two Houses of Parliament. But as this Bill contained only such parts of the former Bill, as were assented to by their Lordships, as well as by the other House of Parliament—as it did not contain a single disputed point—he did trust that they would not be of opinion that there existed any fair ground for opposing its further progress.

Lord *Holland*: My Lords, this is passing strange! It goes beyond anything I could expect! I certainly did think, that when the noble and learned Lord moved for a list of the rejected Bills, that he did not mean to add this one more to that catalogue of unfortunate measures. My Lords, I remember having been invited to dine many years ago, with an American gentleman, who was an exceedingly hospitable man, and who pressed his company to drink a great deal of wine—more wine, I must own, than it was proper for us to drink. We sat very late. When the dinner was over, and we were about to retire quietly to tea, he stopped us, that we might look at a pile of black bottles under the sideboard, saying, "These are the bottles we have emptied." Now, I cannot help thinking, that the American gentleman in question, and the noble and learned Lord must have had some acquaintance, for he also appears to derive a peculiar satisfaction from pointing to the black bottles. But there is this difference between them: my American friend did not urge us to go back and drink more. When we thought we had settled quietly to our tea, he did not beg us to return and drink more bottles, and add to the pile. My Lords, it appears to me impossible for the House of Commons to have proceeded in a way more deserving of your Lordships' consideration than they have done in this instance. Your Lordships objected to a part of the former Bill, and upon that objection the Bill was lost. The House of Commons then split the Bill into four different parts, preserving only such portions as your Lordships did not object to. I would ask, could there be a proceeding more courteous, more conciliatory towards your Lordships, or more deliberate?

Lord *Lyndhurst*: what I contend is, that this Bill we ought to consider, in connection with the other Bills, to form the same Bill as that in which we made the amendments. I have no objection to the Bill if the amendments are added to it; but for this House to pass it otherwise would be to render its proceedings ridiculous. After the conferences, and the free conferences, that have been held, it would be, absurd if the same measure were passed as would have been if, instead of agreeing to preserve our amendments, we had abandoned them.

Viscount *Melbourne* Those amendments have no connection with the measure.

Lord *Lyndhurst*: Will you engraft the amendments on the Bill?

Viscount *Melbourne*: Certainly not that about the trustees.

Lord *Lyndhurst*: Then I repeat that to pass this Bill would be to make the proceedings of this House ridiculous; it would be then in precisely the same situation as if it had not resolved to adhere to the amendments.

The Lord *Chancellor*: The subject matter of the amendments has nothing to do with this Bill. One of the questions involved in the amendments was, as to what course should be taken at elections when the number was equal. The other applied to the trustees. Here is totally different subject matter.

The Duke of *Wellington* said, it appeared to him that the four Bills must be taken into consideration at the same time. The four Bills formed together a substitute for the one Bill that had been thrown out. It could not be expected that their Lordships on this the last day of the Session would consent to pass Bills so materially differing from the measure that had been rejected. If introduced at all, they ought to have embodied all the amendments. Whatever inconvenience the rejection of the measure involved might then have been avoided.

Viscount *Melbourne*: It was never meant to leave in the hands of the former trustees for another year the power of administering the charitable funds; and we will not do it, cost what inconvenience it may.

Lord *Lyndhurst*: The noble Lord is very intelligible—the noble Lord is very imperative.

Their Lordships divided, Contents 14: Not Contents 30;—Majority 16

List of the CONTENTS.

The Lord Chancellor

DUKE.

Leinster

MARQUESSES.

Lansdowne

Headfort

EARLS.

Minto

Albemarle

Leitrim

VISCOUNTS.

Falkland

Melbourne.

BARONS.

Strafford

Holland

Glenelg

Barham

Langdale

Bill to be committed in three months.

HOUSE OF LORDS,

Friday, August 19, 1836.

MINUTES.] Bills. Received the Royal Assent:—Pensions Duties; Militia Pay; Westminster Small Debts; Tithes (Ireland) Composition; Greek Loan; Parochial Assessments.—Read a third time:—Consolidated Fund; Exchequer Bills; Copyright; Municipal Funds; Municipal Boundaries; Municipal Jurisprudence; Grand-Jury Presentments (Ireland); Kingstown Harbour; Public Works (Ireland); Conviction; List of Voters; Corporate Property (Ireland) Bills.

Petitions presented. By Lord GLENELG, from Sincapore, for the continuance of the Free Trade at Sincapore.—By the Earl of MINTO, from the Prisoners for Debt at Newcastle-upon-Tyne, for Imprisonment for Debt Bill.—By Lord HOLLAND, from the Corporation and from Birmingham, in favour of the Repeal of the Civil Disabilities under which the Jews labour.

JEWS' DISABILITIES.—VOTING BY PROXY.] The Marquess of *Westminster* said, there was a Bill now lying on their Lordships' table, and waiting for a second reading, the object of which was, the removal of those civil disabilities under which the Jews, notwithstanding the various efforts that had been made to relieve them, still continued to labour. From the decided part which he had always taken on this subject whenever it had been brought forward, his sentiments with reference to it must be perfectly well known. The prejudices which had so long prevailed against the Jews had been gradually disappearing, not only in this country, but throughout the world: and he was sorry to say, that the place in which he was then standing was almost the only one where those prejudices continued to be cherished. In the other House, indeed, a very small number of persons entertained exceedingly strong prejudices against the Jews. Some of them had gone so far as to declare their opinion, that if this Bill were passed, it would tend to unchristianize not merely the House of Commons, but the country. If such an impression had for a moment entered his mind, he certainly would notsupport a Bill that was calculated to produce such effects. He, however, considered the fear thus expressed to be perfectly chimerical. However anxious he might be for the success of this measure, yet, considering the lateness of the session, and the hopelessness of inducing their lordships to sanction it, after so many Bills had been demolished, it was not his intention to press the second reading. With respect to another proposition relative to the propriety of doing away with the custom of voting by proxy in their Lordships' House, although he greatly wished that the principles advocated by him should be carried into effect, still he felt that it was not desirable to bring forward the subject at present

These two subjects therefore were wholly dropped for the present

HOUSE OF COMMONS,

Friday, August 19, 1836.

MINUTES.] Petitions presented. By several Hon. MEMBERS, from various places, for Repeal of Poor Law Amendment Act.—By Mr. WAKLEY, from Harrington Mandeville, for Repeal of Newspaper Stamps.—By Mr. ANDERSON PELHAM, from Cranfield, for Common Fields' Inclosure Bill. —By Mr. HUME, from the Freeholders of the City of London, for the extension of the Twopenny Post throughout the Metropolis.—By Mr. WAKLEY, from Newcastle-upon-Tyne, and Stoke-upon-Trent, for Repeal of Septennial Act. By Lord MORPETH, from various places, against Poor Laws (Ireland); and from Newry, against the sale of Spirituous Liquors by Grocers; and from Bately and Blackburn, against Factories Regulation Act; and from Myross and Castlehaven, for protection of Fisheries (Ireland); and from various places, against Turnpike Trusts Consolidation Bill; and from St. Paul and St. Nicholas, Dublin, for Relief.

CORPORATION OF LONDON.] Mr. *Wilks* begged to ask whether the noble Lord, the Secretary of State for the Home Department, had yet been able to consider the state of the Corporation of the City of London, and to determine on any measure for its reformation? All the other corporate bodies in England of any importance had been reformed by the Act passed last Session; but the great and giant abuse of the Metropolitan Corporation remained unaffected by that measure.

Lord *J. Russell* was understood to answer, that he could not prepare a Bill for that object before he received the Report of the Commissioners relative to that particular Corporation.

UPPER CANADA.] Mr. *Hume* presented a Petition from Mr. Charles Duncombe, Member for Oxford, Upper Canada, in the newly-elected Assembly, transmitted to him on that morning by the petitioner, who had come to this country to represent to his Majesty and the House the dreadful state of affairs in the colony. If the statements made in the Petition could be substantiated, as he believed they could be, it was impossible that Government could allow Sir Francis Head any longer to retain the office of Lieutenant-Governor in Upper Canada. The petition complained of unconstitutional outrages on the electors, sanctioned by Sir F. Head, and those under his immediate control, for the purpose of obtaining a majority in the new House of Assembly. It complained of the new patent votes created by Mr. Ritchie, Government agent for the sale of land, who had given grants of land gratis to many persons, for which those individuals immediately voted. It stated, that at several places the reforming candidates had been driven from the hustings by bands of Orangemen, armed with clubs and knives. By these, and many other unconstitutional acts, encouraged by the Governor, the reforming electors had been overpowered, and deterred from exercising their franchise. The petitioner concluded by praying the House to adopt such measures as should give justice to the people of Upper Canada. The hon. Member said, that if the Session had not been at its close, he should have proposed the immediate appointment of a Committee to inquire into the outrages and insults thus offered to the inhabitants of the colony. He trusted, that Government would not refuse the request which he now made, that they would direct one or more of the Commissioners of Inquiry into the state of affairs in Lower Canada to proceed to Upper Canada, and put them in possession of the real facts of the case. It had been declared, that Sir F. Head was acting under the directions of Government; but he should be glad to know if Government would sanction the conduct with which he was charged. He was unwilling to believe that the allegations could be true. He hoped that Government would see the necessity of doing justice to the people of Upper Canada, and that some inquiry would be made into the facts stated in the Petition.

Sir *George Grey* begged the House to consider on what foundation the charges rested which the hon. Member wished to be investigated. Sir Francis Head had dissolved the Assembly of Upper Canada, in consequence of its refusal to grant the means of carrying on the Government. The result of this appeal to the people was, that a majority of Members had been returned to the new Assembly differing in opinion from the majority of the late House. A gentleman, avowing himself to be a member of the defeated party, though himself a successful candidate, immediately after a contested election, which the House knew was always conducted with circumstances of acrimony which it would be better to suppress, smarting under the consciousness that his party had been beaten, came forward and made allegations respecting the conduct of the Lieutenant-Governor and other authorities in creating illegal votes, and exercising improper influence, which ought unquestionably to have been made in the House of Assembly, as affecting the validity of the elections to that body, and which, if substantiated before a Committee of that House, might have reversed the state of parties in it, and saved himself the trouble of making a long voyage, to make a statement to a tribunal at an immense distance from the evidence which must necessarily be adduced in order to the investigation of the facts. Sir F. Head, he believed, considered himself strictly bound to act according to his instructions, and had always so acted. Nothing could be more contrary to his instructions than conduct like that of which he stood accused. While acting as representative of his Sovereign, it was his duty to allay the violence and conciliate the differences of contending parties, instead of exciting them to mutual animosity. With regard to the specific charge of the creation of illegal votes, he could not deny it, except on these general grounds, as he now heard it for the first time. He asked the House not to believe the truth of the charges against Sir F. Head, and not even to grant the request that a tribunal should be appointed to inquire into them, as that would be, in point of fact, to condemn him. Where charges were made against a governor, it was always the custom of the Colonial-office to give him an opportunity of seeing them before passing any opinion on his conduct. To that extent only could he promise that an inquiry should take place, and to that extent justice to Sir F. Head required that it should be made. He could not but complain that the petition had not been intrusted to him, as it might have been, but should be brought forward on the last night of the Session, when months must necessarily intervene before Sir F. Head could make any reply to the charges preferred against him. He hoped that the hon. Gentleman did not really give credit to the accusation, and had only presented the petition for the sake of an inquiry.

Mr. *Hume* believed the charges in a great measure true, though not to the extent stated in the petition. He could not be satisfied with an inquiry by any subordinate tribunal, under the circumstances in which the colony of Upper Canada was placed.

Mr. *G. F. Young* thought the course taken by the hon. Member for Middlesex in bringing the charges before the House of Commons was most unfair and unjust. If the allegations of the petition were true, the elections to the House of Assembly were vitiated by the law of Upper Canada. It was most unfair, when the charges might be brought under judicial investigation in the proper place, to prejudice the public mind by statements made at a great distance from the colony to which they related, at a time when it was quite impossible to institute an inquiry into them.

Mr. *Robinson* observed, that the petition was completely *ex parte*, and that if the allegations contained in it were in any degree true, there was a remedy for the evils complained of in Canada itself. He believed that Sir F. Head was quite incapable of the misconduct which the petitioner imputed to him He could not help deprecating the presentation of a petition containing such serious charges just before the prorogation of Parliament, when the party against whom the charges were made could not for a great length of time have an opportunity of replying to them. Was it likely, he would ask, if the charges contained in this petition were true, that they should escape the notice of all but one individual, or rather was it not more likely that, if they really were true, the table of that House would be covered by petitions from the people of Upper Canada?

Mr. *Warburton* looked upon the petitioner as representing the opinions of a large number of the people of Canada. If the facts contained in the petition were true, they ought to be investigated. He would not go the length of saying that Sir F. Head was incapable of being guilty of the charges brought against him, but those charges ought to be inquired into, and if Sir F. Head were guilty, he certainly would deserve to be impeached.

Petition laid on the table.

CHURCH-RATES.] Mr. *Harvey*, on the first Order of the Day being moved, rose to put a question to the noble Lord, the Secretary of State for the Home Department, which he hoped would receive an answer from the noble Lord. It was upon a subject of growing interest and importance, upon which some recent explanation had been given—he meant Church-rates. The feelings which the Dissenters entertained on this important subject would be best illustrated by reading the resolutions which a meeting of that body had recently passed in the county of Suffolk. They, on that occasion, passed certain resolutions, one of which was to the effect, that his Majesty's Ministers, by suffering the present Session to close without coming to some satisfactory settlement of this question, had disappointed the just hopes of their best friends—that the late declaration of the noble Lord, as to his future intention of proposing a measure which he did not think would be satisfactory to the Dissenters, and which they believed would merely effect a commutation of the present Church-rates, had caused much alarm; and that a memorial be presented to his Majesty's Government, to remonstrate with them on their conduct towards the Dissenters, and to express their determination not to submit any longer to the infliction of Church-rates. These resolutions, which were adopted at a numerous and respectable meeting sufficiently bespoke the feelings of the Dissenters upon this subject, and he had been requested to inquire whether it was the intention of his Majesty's Government to abolish Church-rates altogether, or whether it was intended to effect a commutation of them, and whether they would be paid out of the revenues of the Church itself, or whether they would call upon those who did not belong to the Church to pay its expenses? He could state this as a fact, that the Dissenters were not more anxious for the extinction of Church-rates, than that a substitute for them should not be found out of the Consolidated Fund.

Lord *John Russell* did not think that it was his duty at present to state the nature of the measure which he should have to submit to the House on this subject. That was the only answer he could give to the hon. Gentleman's question.

PRISONERS' COUNSEL BILL.] On the Order of the Day being read, for taking into consideration the amendments made by the House of Lords in this Bill,

Lord *John Russell* said, that the differences which had arisen between the two Houses, with respect to this Bill, were not differences with regard to the principle of allowing counsel to prisoners in cases of felony. This was a very great and important principle, for urging which, and persevering in urging it, on many occasions, the hon. and learned Member for Liverpool (Mr. Ewart) deserved the greatest credit with that House and the country, and on that important principle which, in cases of felony, allowed counsel to prisoners, as in cases of misdemeanour, the two Houses were in accordance. There was, however, another question put forward by this Bill—namely, whether or not the counsel for the prisoner should have the last word? Upon this subject he must say, that he agreed with the Bill as it had been sent up from the House of Commons, as he thought that, if a second speech were allowed to be made by counsel on behalf of the prosecution, there should be a second speech on behalf of the prisoner. But he thought there was a difference on this question, as it was originally mooted, and that it involved other and separate considerations, and ought to be treated separately. The practice of allowing prisoners counsel in cases of high treason, and misprision of treason, had existed since the year 1688, when it was adopted, on the ground that prisoners, in such cases, were exposed to a powerful prosecution, which rendered it necessary that they should be defended by counsel. This principle was contended for and established, after some differences between the two Houses. He believed, that the practice then established was, that if the counsel for the accused person called witnesses, and the counsel for the prosecution relied on the testimony he had brought forward, there should not be an answer on the part of the prisoner. This, he believed, was the case in cases of high treason. Therefore, if they admitted, as they did, in their last amendment, that in cases of high treason and misprision of treason, the counsel for the accused should not be allowed two speeches, there was no reason why they should have more than one in cases of felony. This question required a good deal more consideration, and though he was in favour of the original Bill, as sent up by the Commons, yet this principle might be separated from the Bill, and form matter of subsequent deliberation. He might state that he had received a letter on this subject, from the Lord Chief Justice of the King's Bench, Lord Denman, in which that noble Lord had stated, that it was a question of considerable anxiety as to the way in which this practice should be brought to a settlement. He would not go into his noble and learned Friend's reasons, but he could certainly state, as a summary of his opinion, that his noble Friend considered this a separate question, and one which required great deliberation. He did not think the enactment of any particular practice, supposing it to be much better and more just, formed part of the Bill which allowed counsel to prisoners in cases of felony. Lord Denman had always been the advocate, in that House and elsewhere, of the principles of this Bill, and it was his well-known opinion, that it was most desirable that prisoners, in cases of felony, should have the benefit of counsel. Those opinions, that noble and learned Lord had maintained, at a time when they were much less generally entertained than at present. Of the same opinion was his hon. and learned Friend the Attorney-General, and of the same opinion also was the Solicitor-General. With these opinions, therefore, he thought himself justified in coming to the conclusion, that he would be acting advantageously to the country upon the whole, in taking this Bill, without insisting upon those clauses to which the House of Lords had disagreed. Those clauses would form matter for future deliberation. For the reasons he had stated, he should conclude by moving, that a message be sent to the House of Lords, to inform them that this House did not insist upon disagreeing to the amendments made by the Lords in this Bill.

Mr. *Ewart* reminded the House that the Report of the Commissioners strongly recommended that the prisoner should be allowed the last word. The reasons stated by the Lords for insisting on their amendments were most inconsistent. Although he considered it of the highest importance that the prisoner should have the last word, yet, as there were many valuable principles in this Bill, he would be sorry to reject it. He could, however, assure the House that he would not fail to press the principle of allowing the prisoner to have the last word, in a future Session of Parliament.

Motion agreed to.

STANNARIES COURTS BILL.] The Solicitor-General moved, that the House agree to the Amendments made by the Lords in this Bill.

Mr. *Freshfield:* Sir, I agree with my hon. and learned Friend and Colleague, that some of the alterations made in the Bill, and which we are now called upon to consider, are not improvements; but I cannot agree with him in thinking that there are others which deserve our approbation. I think the clause introduced to confirm the jurisdiction in equity as exercised by the vice-warden, has been most injuriously interfered with; and I am at a loss to account for, and still more to justify, the changes it has suffered. My hon. and learned Friend is disposed to consider the appeal to the House of Lords from the decisions of the Stannary Court as an improvement; but I regret to be compelled to differ from him. It has been the policy of the very few persons, who in private have excited an opposition to the Bill, to withdraw as much as possible of the proper business of the court from its jurisdiction, and at least in the same proportion to increase the expense of the machinery for the administration of justice. Thus, while the opponents of the measure would confine the subjects of litigation to matters of small importance, they have succeeded in introducing an ultimate appeal to the highest judicial tribunal; not to substitute the House of Lords for the Court of Appeal, originally provided by the Bill—namely, the Lord Warden, assisted by three members of the Judicial Committee of the Privy Council—but, retaining that appeal, they have added an appeal from that tribunal to the House of Lords; so that a litigious (and still more if he be a wealthy) man may harass and oppress his opponent, by carrying him through these expensive and dilatory Courts of Appeal, at a cost greatly exceeding, in ninety-nine cases out of a hundred, the object to be attained. Sir, I feel this objection so strongly, and I have so much confidence in the justice of the other branch of the Legislature, that I should resist this amendment if there had been time to enter into explanations upon the subject; but my justification with those respectable individuals in Cornwall, deeply interested in the objects of this Bill, for now submitting to an alteration so objectionable must be, that the known discretion of the House of Lords, and its just discrimination between fair subjects of appeal and those of a frivolous and vexatious character, afford the strongest reason for believing that the conduct of litigious persons will be restrained by the habit of making them subject to the payment of exemplary costs where the power of appeal is improperly used; and thus the vice of the provision will be cured by the soundness of the practice. The new clause, which stands Section 8 in the print I now hold in my hand, is conspicuously objectionable. It proposes to confer upon the vice-warden a power to grant new trials, which could not be necessary, as it must be incident to the authority of the sole judge in a court of record to consider the question not ripe for a final decision until an effective trial has taken place, and therefore to subject the question to one or many inquiries before the jury, until that end is attained; but this unnecessary provision is followed by serious and extraordinary circumstances, as the same clause provides that the orders of the vice-warden upon an application for a new trial shall be subject to such appeal as in the Act is before provided, as to other decrees, orders, and acts of the vice-warden. In other words, the party against whom the vice-warden may have awarded a new trial to take place, or the party to whom he may have refused to grant a new trial—that is, the unsuccessful party—will have a right to argue before the Lord Warden and three members of the Judicial Committee of the Privy Council, the propriety of the vice-warden's decision; and whatever may be the determination of that Court of Appeal, the defeated party may proceed to a second appeal before the House of Lords, not upon the merits of the case—not upon the extent of justice to which the respective parties may be entitled—but upon the mere question, whether a new writ shall or shall not take place; a novel question, surely, for the Privy Council and for the House of Peers. The same clause contains a power to the vice-warden to send a *Nisi Prius* record from his own county, under special circumstances, to be tried before the Judges of Assize for the county of Devon. I cannot say that such a provision appears to me very well supported in point of precedent, and not very complimentary to the judges of the superior courts. But I will not dwell upon this, or the injury done to the 6th Clause, the sense of which is destroyed; nor upon other alterations which, in my opinion, fail to effect the purposes intended by the framers. I repeat, that with more time before us, I would not recommend the House to accept the Bill in its present state; but seeing the impossibility of obtaining any re-consideration of the subject, and at the same time having the deepest conviction of the necessity of re-establishing the Stannary Courts—of bringing within their jurisdiction, by express provisions, other metals and metallic minerals, in addition to tin; and believing that the great proportion of the landed proprietors and miners of Cornwall are strongly in favour of a local tribunal for the decision of questions affecting their interest, and especially for the means of compelling co-adventurers to do justice, as between themselves; and considering how very few persons are opposed to the Bill, I cannot hesitate, notwithstanding the defects I have pointed out, and of others not detailed, to support the motion of my hon. and learned Friend and Colleague, "That this House do agree to the Amendments made by the Lords."

Motion agreed to.

COUNTY ELECTIONS.] On the Order of the Day being read for taking into consideration the amendments made by the Lords in this Bill.

Lord *John Russell* said, that very considerable alterations had been made in the Bill. The House of Lords had struck out the clause which limited the time for keeping the poll open to one day, which was one of the main points of the Bill. He did not apprehend that any great advantage would be derived from the Bill as it stood at present, but he was willing to profit by any good the other House chose to consent to, and he would therefore move that the House agree to the Lords' amendments.

Mr. *Thomas Duncombe* hoped that the noble Lord would not consent to receive this Bill. They had sent up a Bill for one purpose, and the Bill, as it had been sent back, effected a very different purpose. The alterations made by the Lords would render the county elections more expensive than before.

The *Chancellor of the Exchequer* thought, that the effect of the Bill would be to shorten the duration of elections.

Sir *G. Strickland* was of opinion that the Bill ought to be rejected.

The House divided:—Ayes 50; Noes 26: Majority 24.

List of the AYES.

Alston, R.
Beckett, rt. hon. Sir J.
Bentinck, Lord G.
Bernal, R.
Biddulph, R.
Bonham, R. F.

Burrell, Sir C.
Byng, rt. hon. G. S.
Chapman, A.
Chetwynd, Captain
Codrington, C. W.
Donkin, Sir R.
Elley, Sir J.
Fergusson, rt. hn. R. C.
Freshfield, J. W.
Goulburn, Sergeant
Hamilton, G. A.
Hoskins, K.
Labouchere, rt. hn. H.
Lennox, Lord G.
Lincoln, Earl of.
Lowther, J. H.
Lynch, A. H.
Mackinnon, W. A.
Methuen, P.
Morpeth, Viscount
Neeld, J.
Palmerston, Viscount
Pelham, hon. C. A.
Philips, M.
Pigot, R.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, R.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Russell, Lord J.
Seymour, Lord
Smith, B.
Steuart, R.
Stormont, Viscount
Stuart, Lord D.
Thomson, rt. hn. C. P.
Trench, Sir F.
Twiss, H.
Vere, Sir C. B.
Wall, C. B.
Yorke, E.
Young, G. F.

TELLERS.
Maule, hon. F.
Brotherton, J.

List of the Noes.

Aglionby, H. A.
Angerstein, J.
Bagshaw, J.
Browne, R. D.
Chalmers, P.
Ewart, W.
Fitzroy, Lord C.
Hawkins, J. H.
Hector, C. J.
Hume, J.
Humphrey, J.
Leader, J. T.
Lennard, T. B.
Loch, J.
O'Ferrall, R. M.
Pattison, J.
Ponsonby, hon. W.
Potter, R.
Robarts, A. W.
Smith, R. V.
Thompson, Colonel
Vivian, J. E.
Wakley, T.
Warburton, H.
Wilks, J.
Williams, W. A.

TELLERS.
Duncombe, T.
Strickland, Sir G.

Amendments agreed to.

Common Fields' Enclosure Bill.] The Solicitor-General moved that the amendments of their Lordships to this Bill be taken into further consideration.

On the question that Clause 55 be agreed to,

Mr. *Potter* moved that the word five in the clause be struck out, and the word ten be substituted. The clause would then stand thus: that nothing in the Act should authorise the enclosure of any open or common fields being within ten miles of the city of London, or of any open or common field within one mile of any city or town containing 2,000 inhabitants, or within a mile and a half of any city or town containing 5,000 inhabitants, or within two miles of any city or town containing 10,000 inhabitants; or within two miles and a half of any city or town containing 20,000 inhabitants; or within three miles of any city or town containing 50,000 inhabitants; or within five miles of any city or town containing 100,000 inhabitants. The number of inhabitants being ascertained by the last Parliamentary census, and the distance measured from the town-hall, cathedral, or church of such place, as the case may be.

The House divided on the original question.—Ayes 51; Noes 6: Majority 45.

List of the Ayes.

Aglionby, H. A.
Alston, R.
Angerstein, J.
Bagshaw J.
Beckett, rt. hon. Sir J.
Bentinck, Lord G.
Brotherton, J.
Burrell, Sir C.
Byng, rt. hon. G. S.
Chalmers, P.
Chapman, A.
Chetwynd, Captain
Codrington, C. W.
Duncombe, T.
Elley, Sir J.
Etwall, R.
Fergusson, rt. hn. R. C.
Fitzroy, Lord C.
Freshfield, J. W.
Gordon, R.
Hawkins, J. H.
Hector, C. J.
Humphrey, J.
Lennox, Lord G.
Lincoln, Earl of
Loch, J.
Lowther, J. H.
Mackinnon, W. A.
Murray, rt. hon. J. A.
O'Ferrall, R. M.
Palmerston, Viscount
Pelham, hon. C. A.
Philips, M.
Ponsonby, hon. W
Rice, rt. hon. T. S.
Richards, R.
Robarts, A. W.
Robinson, G. R.
Rolfe, Sir R. M.
Ross, C.
Russell, Lord J.
Smith, R. V.
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The amendments of the Lords agreed to.

Spain.] Mr. *Mackinnon* wished to ask the noble Secretary for Foreign Affairs whether the statements which had appeared in the morning papers were correct, that the Queen of Spain had been forced by a military insurrection in Madrid to swear, or to declare, her allegiance to the Constitution established in 1812, whereby the Chambers of Peers and of Deputies were abolished, and the Cortes were established? He begged leave to ask whether, in case those statements were correct, the noble

Lord had received any other information, which he deemed it consistent with his duty to communicate to the House?

Viscount *Palmerston* said, that he had that morning received a despatch from Mr. Aston, our Chargé d'Affaires at Paris, informing him that a telegraphic message had arrived at Paris from Bayonne, announcing that the Queen-Regent of Spain had accepted the Constitution of 1812. Telegraphic despatches, as the hon. Gentleman well knew, were very concise, and thus he had nothing further to communicate.

Subject dropped.

HOUSE OF LORDS,

Saturday, August 20, 1836.

Prorogation of Parliament.] His Majesty went in State to the House of Peers to prorogue the Parliament; and having taken his seat on the Throne, the Commons were summoned.

The *Speaker*, accompanied by a large body of Members, appeared at the bar, when the right hon. Gentleman, having the Appropriation Bill in his hand, addressed his Majesty as follows:—

" Most Gracious Sovereign,— Your faithful Commons have, in the course of the Session of Parliament which is about to be closed, taken into their consideration many of the subjects which were recommended to their attention in your Majesty's gracious speech from the Throne.

" A measure for the commutation of tithes in England and Wales has been long and anxiously desired. It is a question beset with many difficulties, but the Commons have grappled with it, and have passed an Act, in which the rights of property have been carefully respected, and have been cautiously protected by sufficient guards. It is calculated to remove causes of dissention between pastors and their flocks, to give security and certainty to the incomes of the clergy, as well as to afford free scope and encouragement to agricultural skill and enterprise. If it should hereafter be found that particular points require alteration or revision, still the Commons entertain a confident belief that this measure has been based on principles that will be satisfactory and enduring.

" In entering upon the examination of the reports of the Commissioners appointed to consider the state of the Established Church in England and Wales, the Commons have proceeded with the respect that was due to the high authority from which they emanated; and with that deliberation which is fitting before any change is made in an ancient institution, that commands the attachment and reverence of a large portion of the people.

" An Act has been passed, which by providing for a more equal distribution of episcopal duties and revenues, most materially weakens, if it does not wholly extinguish, the motives for the translation of the Bishops, and by recognising the salutary and wise principle, that a due proportion ought to be maintained between the extent of duty to be performed and the amount of income to be received, it tends to promote the usefulness and the efficiency of the Established Church, and to strengthen its hold on the affections of the people.

" While the Commons have been anxious to secure the interests of the Established Church, they have not been less desirous to consult the feeling and to attend to the just claims of those who conscientiously differ from it in discipline or doctrine. Two Acts have accordingly been passed, the one making material alterations with respect to the celebration of marriage, and the other providing for a complete register of births, deaths, and marriages. All classes of your Majesty's subjects are deeply interested in the successful operation of measures which bear so strongly on the relations of domestic life, and on the certain transmission of property. The provisions of these Acts have been framed in a tolerant spirit, with the earnest desire of removing just causes of complaint, and with the hope that the law would be generally acceptable, because it is equal and impartial in its principle, and manifests becoming respect for the feelings and conscientious opinions of those who dissent from the Established Church. It has been most gratifying to the Commons to find that such is the prosperous and flourishing condition of the public revenue, that while they have provided with liberality for the ordinary expenses of the year, for some extraordinary expenses which circumstances had rendered necessary, and for the fulfilment of engagements formerly contracted for the most generous and honourable purpose, they have still been able to make a considerable remission of taxes. In selecting the duties to be regulated and the taxes to be remitted, care has been taken to apply the relief so that the greatest benefit should be derived by the removal of unequal pressure, and a vexatious enforcement of law, and to give fresh stimulus to enterprise and industry. By the equalisation of the duties on sugar, the benign influence of enlightened legislation will be felt by the inhabitants of the most distant possessions of your Majesty, and at home, by the reduction of the duties on stamps, the means of communicating the results of experience and knowledge will be facilitated and extended among an intelligent and improving people."

The Royal assent was then given to the following Bills:—The Consolidated Fund Bill, The Exchequer-bills Bill, the Prisoners' Counsel Bill, the Suits in Equity Exchequer Bill, the Municipal Funds Bill, the Municipal Jurisprudence Bill, the Municipal Boundaries Bill, the Lists of Voters Bill, the County Elections' Polls Bill, the Copyright Bill, the Conviction Bill, the Common Fields' Enclosure Bill, the Poor Law Loans Bill, the Stannaries Bill, the Coal Trade Bill, the Church Temporalities (Ireland) Bill, the Public Works (Ireland) Bill, the Grand Jury Presentments (Ireland) Bill, the Corporate Property (Ireland) Bill, and the Kingstown Harbour Bill.

HIS MAJESTY then delivered the following most gracious Speech:—

"*My Lords and Gentlemen,*

"The state of the public business enables me at length to relieve you from further attendance in Parliament; and in terminating your labours, I have again to acknowledge the zeal with which you have applied yourselves to the public business, and the attention which you have bestowed upon the important subjects which I brought under your consideration at the opening of the Session.

"The assurances of friendly dispositions which I receive from all foreign Powers enable me to congratulate you upon the prospect that peace will continue undisturbed.

"I lament deeply that the internal state of Spain still renders that country the only exception to the general tranquillity of Europe, and I regret that the hopes which have been entertained of the termination of the civil war have not hitherto been realised.

"In fulfilment of the engagements which I contracted by the treaty of quadruple alliance, I have afforded to the Queen of Spain the co-operation of a part of my naval force, and I continue to look with unabated solicitude to the restoration of that internal peace in Spain, which was one of the main objects of the quadruple treaty, and which is so essential to the interests of all Europe.

"I am happy to be able to inform you that my endeavours to remove the misunderstanding which had arisen between France and the United States have been crowned with complete success. The good offices, which, for that purpose I tendered to the two Governments, were accepted by both in the most frank and conciliatory spirit, and the relations of friendship have been re-established between them, in a manner satisfactory and honourable to both parties.

"I trust that this circumstance will tend to draw still closer the ties which connect this country with two great and friendly nations.

"I have regarded with interest your deliberations upon the reports of the commission appointed to consider the state of the dioceses in England and Wales, and I have cheerfully given my assent to the measures which have been presented to me for carrying into effect some of their most important recommendations.

"It is with no ordinary satisfaction that I have learned that you have, with great labour, brought to maturity enactments upon the difficult subject of tithes of England and Wales, which will, I trust, prove in their operation equitable to all the interests concerned, and generally beneficial in their results.

"The passing of the Acts for civil registration and for marriages in England, has afforded me much satisfaction. Their provisions have been framed upon those large principles of religious freedom which, with a due regard to the welfare of the Established Church in this country, I have always been desirous of maintaining and promoting; and they will also conduce to the greater certainty of titles and to the stability of property.

"It has been to me a source of the most lively gratification to observe the tranquillity which has prevailed, and the diminution of crimes which has lately taken place, in Ireland. I trust that perseverance in a just and impartial system of government will encourage this good disposition, and enable that country to develope her great national resources.

"*Gentlemen of the House of Commons,*

"I thank you for the liberality with which you have voted, not only the ordinary supplies of the year, but the additional sums required to provide for an increase in my naval force.

"I am also gratified to perceive that you have made provision for the full amount of the compensation awarded to the owners of slaves in my colonial possessions, and that the obligations entered into by the Legislature have thus been strictly fulfilled.

"The increased productiveness of the public revenue has enabled you to meet those charges, and at the same time to repeal or reduce taxes, of which some were injurious in their effects upon my people, and others unequal in their pressure upon various parts of my dominions abroad.

"The present condition of manufactures and commerce affords a subject of congratulation, provided the activity which prevails be guarded by that caution and prudence which experience has proved to be necessary to stable prosperity.

"*My Lords and Gentlemen,*

"The advanced period of the year, and the length of time during which you have been engaged in public affairs, must render you desirous of returning to your respective counties. You will there resume those duties, which are in importance inferior only to your legislative functions; and your influence and example will greatly conduce to the maintenance of tranquillity, the encouragement of industry, and the confirmation of those moral and religious habits and principles which are essential to the well-being of every community."

The Lord Chancellor, in the usual form, declared it to be his Majesty's will and pleasure that the Parliament should stand prorogued to Thursday, the 20th of October next.—His Majesty withdrew, and the Commons returned to their own House, and the Peers retired.

HOUSE OF COMMONS,

Saturday, August 20, 1836.

Business of the Session.] Mr. *Hume* remarked, that he was extremely unwilling that the House should separate without some observations from him as to the view he took of the situation in which they had been placed by the extraordinary proceedings which had occurred in the other House of Parliament. He could not but reflect on the many tedious hours which they had spent in that House on the many important measures which they had endeavoured to pass with the view of effecting reform in the various establishments of the country, and realising the expectations of improvement in its institutions which their constituents were warranted in entertaining from the passing of the Reform Act. He was mortified to see that two Sessions of the second reformed Parliament had elapsed with scarcely one tenth of the benefits to the people which they had a right to expect, according to the fair promises made to them. When reform of Parliament was granted, either it was intended that beneficial results should be attained, or those who were parties to the passing of the measure were guilty of abusing the confidence of the people, and holding out to them hopes which they never meant to fulfil.

Sir *F. Trench* rose to order. He supposed that the hon. Member intended to utter one of his usual libels against the House of Lords. He wished to know whether the hon. Member was about to make any motion, as otherwise the proceeding was quite irregular. After the hon. Member had finished his libel, nobody would be entitled to make any reply. He admired the conduct of the House of Peers, and considered that they deserved the approbation of the country.

Mr. *Hume* said, that the hon. Gentleman was so much in the habit of associating with those who libelled others, that the hon. Gentleman could not suppose that he could rise without intending to utter a libel himself. The hon. Gentleman had no right to interrupt a Member of the House, and had no right to ask if he (Mr. Hume) were going to make any motion.

Sir *F. Trench* would appeal to the Speaker whether the hon. Member were not out of order?

Mr. *Hume* said, that the Speaker had no right to interrupt him. If he should sit down without making a motion, the Speaker might complain that it was a breach of the rules of the House, but it would be time enough to consider that when he had concluded the observations which he had to make.

Lord *John Russell* thought that the hon. Member for Middlesex ought to state whether he meant to conclude with a motion. If he meant to make a motion for any return, his proceeding would be perfectly regular, but it was not fair to make a long statement without bringing forward a motion.

Mr. *Hume* said, that it was his intention to move, that there be laid on the table a return of the number of days and hours during which the House had been occupied with business—a document which seemed to him to be extremely important, when he thought of what had taken place elsewhere. At the commencement of the Session great hopes of reforms and ameliorations were held out to the people, but the House was now about to rise, and those expectations were damped, those hopes were blighted, by a party who had done nothing but impede the progress of improvement during the whole Session, disappoint the wishes of the people, and frustrate the efforts of the Ministry. It appeared to him that if impudence itself could be personified, such a charge as had been made against that House by an individual elsewhere would admirably represent it. He did, on behalf of that House, appeal to their constituents for the falsity of the libel which had been uttered against the House, when they were charged with having neglected their duty, and refused to fulfil their promises. Though there might have been Sessions in which more labour was expended, he scarcely remembered a Session for twenty years in which he had devoted more time to the public business, or been more anxious to effect reforms. Why did he defend himself thus? Because at the end of the Session, very little had been effected in comparison with what ought to have been done. What had been the opposing power? The other House of Parliament. The Commons had endeavoured to carry out the recommendations of his Majesty, in the speech which had been delivered from the Throne at the commencement of the Session, and to effect those alterations in the several institutions of the country which would give satisfaction to his people, and promote the benefit of his subjects. First of all, as regarded the Church of Ireland. He held in his hand the speeches of his Majesty at the opening of the last and the present Session, in which he recommended them to consider at an early period the state of that establishment, and to make such changes in the tithe system as should for ever settle the question, and enable his subjects to live together in harmony and peace. Last year the Commons had sent to the other House a Bill with that object, which was so mutilated as to make it utterly ineffective. This year they had also sent up a Bill which would have carried into effect the recommendations of his Majesty, and gratified his wishes. Who had stood between his Majesty and the fulfilment of his desires? Not the Commons, but the Lords, who had shown themselves determined to deny to Ireland that justice which his Majesty recommended them to grant. It had been said, that the passing of the Bill was really prevented by those who tacked to it a clause affirming an abstract principle which must be for a long time inoperative; but it was a noble Lord, and those who acted with him, who had stopped the reform of the Irish Church, and not the Commons, who had up to that period given the utmost attention to the wishes of his Majesty and the people. Whatever might come to pass in Ireland, if sedition should run riot, if blood should be shed, he held that the House of Lords, who had rejected the healing measure, and refused to second the efforts of the Commons, were alone to be blamed. Yes, let the people of England know it. An attempt had been made lately to persuade the people that Ministers and the House had not been industrious. He proclaimed, as far as his opinion went, that he himself was not liable to that charge, nor did he believe that Ministers were. The other House alone had been the cause that so little was done. To be sure they were supported by a large minority in that House, he regretted to say too large. For the majority of that House and himself he had only to say, as regarded the reform of the Church of Ireland, that those who affirmed that it had been prevented by the affirmation of an abstract principle, and those who had stopped reform in Ireland, reform in Scotland, and reform in England, were the parties who opposed it. The next subject to which his Majesty had called their attention was the situation of the Municipal Corporations of Ireland, which he recommended them to place on the same footing as the corporate institutions of England and Wales. He though that the Commons had done their duty with respect to this matter. Where, then had been the impediment to this reform? The House of Lords—who had mangled the Bill sent up to them on the silly pretence that those of the Irish people who were Catholics were not to be trusted with the management of their own local and domestic affairs. Was such a pretence to be listened to by any man who had supported toleration in that House? As well might this be said of that portion of the people of Ireland who were Presbyterians, and who were as much opposed to the Established Church as the Roman Catholics. And yet who would think it fair to say, that they should be excluded from the management of their municipal concerns? He said, then, that the denial of municipal reform was altogether contrary to the wishes of the House of Commons, and that all the mischief likely to arise from that source was to be laid at the door of those who had refused equal justice to Ireland. The House had endeavoured to carry into effect the principles laid down in that amendment which had turned out the Tory Government, and which would turn them out again, if chance should give them power. They had proved that those who were united in principle could maintain that union, whatever shades of difference on minor topics might exist between them. They had purged that side of the House of some of those who pretended to be Reformers, and he wished the Opposition joy of their accession. He considered a disguised enemy much more dangerous than an open foe. Thank God, they had got rid of those who had supported Parliamentary reform, and declared in that House that tithes should be extinguished in Ireland, and who had afterwards opposed the efforts of the Commons to extinguish them. In the amendment to the Address, which had ultimately turned out the late Tory Administration, and which was a profession of faith of Rfo rmers against anti-Reformers, it was declared that his Majesty's faithful Commons acknowledged with grateful recollection that the Acts for amending the representation of the people were submitted to Parliament with his Majesty's sanction, and carried into a law by his Majesty's assent; that, confidently expecting to derive further advantage from those wise and necessary measures, they trusted that his Majesty's Councils would be directed in a spirit of well-considered and effective reform, and that the liberal and comprehensive policy which restored to the people the right of choosing their representatives, and which provided for the emancipation of all parties held in slavery in his Majesty's colonies and possessions abroad, would with the same enlarged views place without delay our Municipal Corporations under vigilant popular control, remove all those undoubted grievances of the Protestant Dissenters, and correct those abuses in the Church which impair its efficiency in England, disturb the peace of society in Ireland, and lower the character of the establishment in both countries. He contended that the majority of that House had asserted those principles on which they had formerly taken their stand, which were the bond of union between them, and which he hoped might long continue so, notwithstanding any little difference of opinion between them. He hoped that no man in that House, who had any claim to the name of Reformer, would be so weak, so base, as to join the ranks of their determined enemies, who had stopped all reform. Had not the Lords prevented all amelioration of the grievances of Ireland—had they not mangled the Registration of Voters' Bill—had they not refused to carry into effect those improvements which were necessary to make the system established by the Reform Bill work beneficially? It was vain to expect to conciliate the Lords by bringing in half measures of reform. He hoped that the Ministers would take a lesson from the transactions of the Session, and not suffer themselves to be deluded by such an anticipation. Was it possible that that House could allow the Lords any longer to continue their opposition to all measures of real reform? They had lost nearly a Session. The noble Lord opposite was himself one of those who did everything in his power to prevent the measures of the reforming majority of that House from being passed into law. If he lamented one thing more than another, it was to see the high-minded noblemen of England led by such a man as the person who was now at their head. If he could suppose that principle had anything to do with that individual's opposition to all measures of reform, be they public or private bills, measures for the reformation of the church, for the improvement of the financial system of the country, or even for the regulation of the Post-office, he could excuse his conduct. He charged the House of Lords with having stopped all reform, and asked the people to consider the remedy. His Majesty had the power of creating an unlimited number of Peers, and if he would not exercise this right, they had no alternative but to stop the supplies, unless the people of England should send to that House a larger number of Reformers than it at present contained. It might then be possible that the moral effect of that majority would change the temper of the House of Lords. The institution of the Peerage was established for the good of the people, not for the private advantage of its members; and the question was, should they be allowed to continue? Utility alone could justify that House in allowing them to remain. The Municipal Corporations and the rotten boroughs were as old as the Peerage. These had been swept away; and why might not the Peerage be swept away? Could the other House reject a proposition for reforming themselves, when they had declared the corporations and the close boroughs unfit for their original purposes? He did not know whether Parliament were to meet again in November, but if Government meant to satisfy the wishes and expectations of the people, they would call the House together again as soon as possible, send up good measures to the Lords, and if they were rejected, then it would be for the House to deliberate on the measures to be adopted. Changes had been made in the powers of the Sovereign, and in the constitution of the House of Commons, and why should they not be made in the constitution of the House of Lords? It would be a mockery of common sense to say that they should not, and it was the duty of that House to see that all the branches of the constitution were in a state fit and proper to attain the results which they were intended to secure. A contest was now going on, let them call it by what name they pleased, whether aristocracy or democracy should prevail, whether the country was to be ruled by the representatives of the people or by the Lords. Let Gentlemen opposite, who seemed to smile, look back to the best days of this commonwealth, for so he would call it, and see the powers which were exercised by the people. Men thought now who never thought before, and even the noble Lord, the leader of that House, who most unneccessarily declared against organic change, would soon be compelled to consider the question of its expediency. It would be for him to reflect whether he had not taken his stand to soon, and whether he would be the only man in that House who would refuse to consider it. A bill which would have saved 40,000*l.* in the expenses of common-law courts had been thrown out by the Lords, who swallowed so much of the public money, under pretence that the superannuations were on too extravagant a scale. All improvement in the Post-office had been stopped by the Lords. They had stopped that reform which was so much wanted—reform in the Court of Chancery—though he admitted that Ministers were to blame for not bringing the measure in sooner. Why had not the noble Lord who moved the rejection of the Bill in the other House brought forward the plan of which he himself approved? He hoped that his Majesty's Ministers would, by next Session, be prepared to introduce a Bill for the regulation of the ecclesiastical courts, which were so important for the interests of the community; and he thought they were chargeable with some degree of negligence in not having prosecuted the subject during the present Session. But he had never heard a more monstrous proposition than that laid down by a noble Lord, a Member of the other House, who said that Ministers alone were to blame for it. He had no right to say much about church reforms. A Bill on the subject had passed that House, which the Lords did not think of rejecting. Did it give any power to the people, or add anything to the incomes of the poor and starving clergy? Did it carry into effect the recommendations contained in his Majesty's Speech from the throne? Ministers had been weak enough to agree to the measure, apart from any general system of reform—

PROROGATION.] The hon. Member was here interrupted by the Usher of the Black Rod, who summoned the House to attend his Majesty in the House of Lords.

On the *Speaker's* return, the right hon. Gentleman, seating himself at the table, read his Majesty's Speech. When he had concluded, and exchanged the usual courtesies with the Members, they immediately separated.

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